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THE INDIVIDUAL AND THE STATE

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WESTEL WOODBURY WILLOUGHBY

Johns Hopkins University

There is an unwritten and unformulated, but none the less coercive principle that governs the conduct of learned societies when assembled in full council which imposes certain limitations upon the president's address. One of these limitations is that the address shall deal in broad outline with some comprehensive or fundamental topic rather than attempt a detailed examination of a special subject. It is in conformity with this requirement that I have selected my subject for this evening. I shall speak of the various interpretations which the relation of the individual to the state has received.

This topic has furnished material for political and social speculation since the time when men began to be curious regarding their own rights and responsibilities. It may seem, therefore, futile to attempt to shed any new light upon such an ages-old inquiry. In truth, however, new conditions of life and new modes of thought give an altered significance to the question, and, therefore, justify, from time to time, its fresh examination. And, even if this were not so, it is worth while, in every department of

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thought, occasionally to revert by way of review to fundamental principles. Webster, in his second speech on Foote's Resolution, in reply to Hayne, begins by saying: "When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are." So similarly, it seems to me, we may with profit seize this season when we are gathered together in a national meeting, to bring once more before us this fundamental question of the relation in which the individual may be conceived to stand to the political authority by which he is governed.

The bond which unites the subject to his sovereign, the citizen to his state, may be viewed in two aspects—aspects which are so distinct as to furnish independent inquiries. In the one the bond is viewed as a legal ligament, and the question as to its precise characteristics falls within the field of constitutional law, or, when more abstractly treated, of analytical jurisprudence. This, the more technical phase of the subject, I shall not consider. The second aspect, and the one with which I shall be concerned, is that which examines the question as one of ethical obligation—of the moral obligation of obedience upon the part of the individual, and of the right to exercise coercive authority upon the part of the state. Upon the answers given to the question thus conceived depend, as corollaries, the extent and mode of exercise of legitimate political control. The topic thus broadens out into an examination of the premises of a final political philosophy.

Of the various theories which have been put forth in ethical justification of political authority among men, the chief are: the divine, the natural or instinctive, the force, and the social compact theories. Of these, the best known, as well as the most influential, is the last, especially as it finds statement in the writings of Locke and Rousseau. Aside from other errors either in premises or reasoning the fundamental defect of this compact theory, is that

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it starts from the conception that man, as an individual and as apart from society or the state, is the possessor of rights, or at least of interests, which it is the primary province of political authority to protect and secure the realization of. Rousseau made a great advance in the theory by distinguishing, on the one hand, between the general interests of the social whole, and the *volonté générale* which seeks those interests, and, on the other hand, the particularistic interests of the individuals and the *volonté de tous* constituted of the arithmetical sum of the individual wills as declared by those interests. His general will, while thus conceived of as compacted of individual wills, was, however, composed of individual wills purged of their particularity and selfishness, and expressed in social terms. Nevertheless, his ethical, and therefore his political system, exhibited the fundamental defect that these individual rights and interests were viewed as arising out of the instinctive or emotional desires of man, rather than as determined by his inherent rationality and moral nature. Kant corrected this defect, and, founding his ethical system upon the rationality of man, traced the moral law to the human practical reason as its source. "Obligation," he declared, "is the necessity of free reason when viewed in relation to a categorical imperative of reason." Kant still clung, however, to the idea that conflicting individual wills and interests need to be harmonized by some such mechanical means as a real or conceived compact between individuals. He had, apparently, no conception of the social or political society as a unity with an existence and interests of its own.

Modern ethical theory, while not abandoning the fundamental principle stated by Kant that the reason of the individual is, in the ethical field, legislatively autonomous, finds no inherent conflict between individual interests, or between those interests and the general welfare, such as requires for its solution a social or political agreement.

This modern doctrine, which is the final result of political idealism, can, perhaps, be made somewhat plainer by contrasting it with other and earlier conceptions of the relationship between the state and the individual.

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Looking back over the history of political thought, we find that, roughly speaking, the relation of the individual to the state has been viewed in four aspects. These we may designate by the names, the Hellenic, the Oriental, the Individualistic and the Modern.

Paradoxical as it may seem, the Greeks, or at least the Athenians, were able to recognize in their political philosophy as it found statement in the writings of Plato and Aristotle the independent value of the personality of the citizen, and at the same time to subject him to the absolute control of the state. According to this Hellenic conception, man is by his very nature a social being. Hence, they held, his life in a state of society, with its social conventions and demands, means, not an interference with an original independence, but a condition of life necessary to man's very existence as an independent rational being. To the Greeks, in other words, society and the state were viewed as immediate products of great nature conceived of as creative and volitional. The state had, indeed, in their eyes, in a sense, a higher and more perfect individuality and personality than had its citizens, for it was from its personality and from its life that the citizen was supposed to derive all that was valuable to him as a man. This apotheosis of the state was carried to such a degree that the doctrine of the immortality of the state received more emphasis by Greek ethical thinkers than did the question as to the possibility or probable conditions of a life hereafter for mankind. The state's life was eternal, and man's highest aim was conceived to be the contribution of what lay within his power to render that life as glorious as possible. It is probably true that the Orphic, Eleusinian and other mysteries taught a more personal immortality than this, together with a system of future rewards and punishments, but the general doctrine was that which has been described.

The consequence of this view of the relation between the state and the individual was that while the individual had many rights he had none as opposed to the state.

The Oriental conception of the state as well as that of the Greeks subordinated the individual wholly to the state. There was, how-

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ever, this fundamental difference which distinguished it from the Hellenic view. While the Oriental looked upon his subjection to the law and to the state as an obedience due to an external power, the Greek saw in it but a yielding to a higher self—to a power of which he himself was a part. What in the oriental world was thus subjection, was, in the Greek world, self-surrender. President Wheeler, in his *Life of Alexander the Great*, states the distinction which I have been attempting to make, in the following manner: "To the Oriental," he says, "the universe as well as the state is conceived of as a vast despotism, which holds in its keeping the source and the law of action for all. Its mysterious law, held beyond the reach of human vision, like the inscrutable life of the autocrat, is the law of fate. Personality knew no right of origination or of self-determination; it was swept like a ship in the current. It knew no privileges except to bow in resignation before the unexplained, unmoved mandate of fate. The Oriental government of the universe was transcendental; the Hellenic, social."

The individualistic phase of political thought was represented in the philosophy of the seventeenth and eighteenth centuries, and was a direct outcome of the central idea of the Protestant Reformation according to which the individual is given the right of passing final judgment as to the meaning of the law. It is true that Luther's mission was to declare simply the emancipation of man from the dogmatic absolution of the church, but in doing so a principle was necessarily asserted which freed him from unquestioning obedience to an external authority, political or ecclesiastical.

This freedom, when not controlled and tempered by a proper comprehension of the rational limitations under which it should be exercised, led, as is well known, to a gradual denial of the right of all political authority not founded on the assent—explicit or implied—of the individuals subject to it. The movement in effect assumed the form of a simple negation of the oriental idea of subjection, and, as all pure negations are apt to be, was carried over into the opposite extreme, anarchy. In political theory this individualistic philosophy reached its height in the writings of the French philosophical school of the latter half of the eighteenth

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century. In political fact, it found its culmination in the anarchy of the revolutionary period.

Kant, as has been already pointed out, corrected Rousseau's doctrine of individual rights and made these rights dependent upon reason. He did not, however, completely emancipate himself from the individualistic philosophy of the eighteenth century. He did not grasp the fundamental truth that by recognizing the justice of the will of another power, the individual can make that will his very own, and thus, though obeying it, be not coerced by it. Kant thus, in fact, ever regards the control of the law as necessarily an interference with freedom, and justifiable only when employed to prevent coercion from other sources. He develops, therefore, the pure conception of a *Rechtsstaat*—a State whose sole legitimate function is to prevent the violations of those principles of rights which the reason lays down as fundamental. The State is thus dragged in, as it were, as a *deus ex machina* to secure to men that freedom to which they are rationally entitled, but which, without the State, they could not obtain.

The modern idealistic view, while recognizing the two necessary elements of self and not self, of liberty and law, harmonizes them in a higher unity without destroying either of them. Here the old Greek idea is revived, but corrected by rendering that subordination which, to the Greek, was an unthinking and almost instinctive submission, a conscious, deliberately chosen subordination. The Greek failed to reach the true view because he recognized but the one element, the will of the state. His thought involved no recognition of the two necessary elements of freedom and authority. In other words, his identification of the individual will with the will of the state was immediate.

In the modern idealistic view, on the other hand, the identification is mediate. The two ideas of absolute freedom and absolute subjection are first clearly presented in the mind and then harmonized. Thus, while still retaining the central conception of the "good will," the abstract and impossible Kantian formalism of that will is denied. In its place there is given us the conception of a self that finds its realization in the outer world, in utilizing objective forces and institutions as means for securing that de-

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velopment and perfection which the reason declares. The existence of the state thus, as comprehending the most important of all those forces and facts which are necessary for man's highest life, receives the highest possible sanction. It is in this sense that Hegel speaks of the state as the "actualization of freedom" and as the "embodiment of concrete freedom."

From what has been said it will be seen that modern ethical thought makes the source of moral obligation wholly subjective. It denies the possibility of an objective or external ground of obligation of any sort whatsoever. The obligation which the human soul feels comes from the recognition of what is right. When we discover that a thing is right, the sense of obligation to seek it is given to us as an original underived feeling. "Moral obligation" as President Schurman has said, "is the soul's response to acknowledged rectitude."

Starting from this premise that, in the moral field, man is self-legislative but yet determined by the idea of a self-perfection, it is possible to harmonize absolutely the ideas of freedom and control, of liberty and law. In so far as the commands of a social or political power are recognized by the individual as necessary for the realization of his own best good, which, as we have seen, includes the good of others, such commands no longer appear to him as orders from an external power limiting his freedom, but rather as imperatives addressed to himself by his own reason. In obeying them therefore, he obeys, in fact, himself. In theory, then, it is possible to conceive of a society so perfectly organized and administered that at the same time that social subordination and obedience are demanded and obtained, the individuals are left absolutely free as being required to do only such acts as their own reason tells them are just. This conclusion is luminously stated by Professor Melone. "If we try," he says, "to form the idea of a divine society or community of men—and by a divine society I mean one that is perfect—we may, without incurring the reproach of manufacturing a Utopia, say this much of it. It must have a perfect harmony or unity of all its members, and a perfect variety; and the more intense and thorough the harmony is, the more so must the variety be. A perfect society would

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have an intense oneness, but this oneness would hold amid an infinite variety of character and experience on the part of individual members. In musical art, when instruments of various kinds sound different notes, we may have a symphony which is one of the most magnificent expressions of superpersonal feeling that humanity knows: such would be the harmony of a perfect society, and such is the dream of the world."

In bringing a particular state to the bar of moral criticism, it is, then, rather its activities than its own right to existence which is questioned. The abstract and naked right of political authority itself is not in issue, for, as abstractly considered, that is, apart from any particular form of organization or manner of operation, there is no basis upon which a judgment may be founded. It is not until that authority clothes itself in governmental garments and manifests its power and authority that material is afforded to which moral estimates may be applied.

These conclusions which modern political theory, upon its idealistic side, reaches with regard to the ethical right of the state to exist, carry with them the logical corollary that no *a priori* limits may be placed upon the State's sphere of control. Each and every exercise of political control is to be justified by the results reached, or reasonably expected to be reached, by it; and the worth of these results is to be measured by the degree to which they contribute to that highest social goal which, is but a statement, in social terms, of the several goals of the individual members of the group.

The practice of modern states clearly shows the acceptance of this utilitarian conception of the proper province of political control—that the state and its government are made for man and not man for the state, and that all political agencies exist as means to to an end and not as ends in themselves. This broadening of the sphere of public authority is shown not only in the assumption by the state of the ownership and operation of public utilities, and in the increased regulation of these undertakings when they remain in private hands, but, in general, in the state's efforts to advance, through the exercise of its police powers, the physical,

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moral and esthetic welfare, as well as the economic and industrial prosperity of its citizens. Finally, and most recent, and in some ways the most significant of all, are the efforts which the civilized states of the world are making to secure in some way a more just distribution of economic burdens and benefits than is realized or realizable under a régime of unrestricted competition.

The most conspicuous illustration of this is exhibited in the compulsory workmen's accident, invalidity, and old age insurance laws of foreign countries, and in the compulsory compensation and minimum wage laws of this country. This is seen when by analysis we determine what is the intent and result, for example, of the laws which compel the payment by employers of compensation to their employees injured in the performance of the work for which they are hired. These laws provide for the payment of fixed sums without regard to fault upon the part of those compelled to make them. The employer may be engaged in a business which is not in itself a dangerous one and which he has a full legal right to engage in; he may have fulfilled to the letter every requirement of the law with reference to the provision of safety devices, superintendence, etc.; he may have used an intelligent judgment in the selection and oversight of his employees, and the accident may have occurred through the negligence of the one injured (provided that negligence be not of a gross character, or the injury due to deliberate intent of the employee) and yet he must pay the compensation. It amounts in bare fact to the taking of the property of one individual and handing it to another, not as a result of an express or implied contract, nor as damages for a tort, but because it is deemed socially expedient and just that the burden of the injury be shifted from the shoulders of him upon whom it first falls, to the shoulders of another, who, of course, if general industrial conditions permit, may shift it upon the consumer or upon the public generally.

It is clear that this legislation can be ethically justified only upon the ground that it is just, as well as socially expedient, that the employer, or, ultimately, the consuming public, should bear the burden entailed by these accidents; and, furthermore, that it is the proper province of the state to see to it, through the oper-

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ation of law, that, to this extent at least, what is conceived to be distributive justice is secured. And, of course, this also means, if the action is to be fundamentally justified, that certain canons of distributive justice are adopted as guiding principles.

I have used workmen's compensation legislation as illustrating the definite acceptance by a considerable number of our Commonwealths of the doctrine that it is a proper province of the state not only to raise the level of competition and thus permit individuals to contest with one another upon fair and open terms, and under conditions of life that are morally and physically satisfactory, but to secure the realization of a general scheme of distributive justice.

Personally, my sympathies are in favor of this legislation, and, so far as the question of workmen's compensation for accidents is concerned, such legislation appears to me just as well as socially expedient. I do think, however, that it should be frankly admitted that this legislation marks the assumption by the state of an authority which is distinguishable *in genere* from that under which the state regulates public services and industries affected with a public interest, as well as from that which is usually known as the police power under which the conduct of persons and the use of private property are regulated in behalf of the health, safety, morals and general convenience of the public. This, it is to be observed, does not mean the acceptance of socialistic doctrines as to the nature of private property, as to the part played by the laborer in the production of economic goods, as to his absolute right to the whole product of his labor, as to the generally oppressive operation of the wages system so far as the laborers are concerned; nor does it mean in any degree an acceptance of socialistic views as to the desirability or feasibility of an economic and political régime in which all the instruments of production are owned and operated by the public. But it does mean an acceptance of the socialist's general theory that it is the proper province of the state to do whatever it can to secure the true interests of its people, unrestrained by any *a priori* limitations growing out of the essential nature of political authority.

In the United States the adjustment to this broadened concep-

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tion of what is properly the state's province has been rendered particularly difficult by reason of the fact that we have surrounded the individual's rights of life, liberty, and private property with the special constitutional guarantee that they shall not be taken away except by due process of law; and a long line of decisions has definitely determined the proposition that the due process thus guaranteed refers not simply, as the words themselves might seem to import, to a procedure in which the elements of fairness and justice are present, but that, however impeccable the process, substantive rights may not arbitrarily be destroyed or abridged.

A political or constitutional theory which considered the rights of the individual to life, liberty and property as wholly removed, upon their substantive side, from regulation by ordinary legislative act would, however, be destructive of efficient government, if not of political authority itself. It would predicate a régime of individualism that would scarcely be distinguishable from anarchy. From this legislative impasse we have been saved by the development of the doctrine of what is known as the "police power" of the State, according to which, despite other constitutional limitations, to use the words of Chief Justice Shaw of Massachusetts, "rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as will prevent them from being injurious, and to such reasonable restraints and regulations established by law, as the legislature, under the governing and controlling power vested in it by the Constitution, may think necessary and expedient;" or as declared by Justice Holmes of the federal Supreme Court, that the power "extends to all the great public needs," and that "it may be put forth in aid of what is sanctioned by usage or held by the prevailing morality, or strong and preponderant opinion, to be greatly and immediately necessary to the public welfare." Even considerations of mere convenience to the public, it has been held, are sufficient to justify this regulation of private rights. "We hold," the United States Supreme Court has said in a recent case, "that the police power of a State embraces regulations designed to promote the public convenience and general prosperity,

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as well as regulations designed to promote the public health, the public morals, or the public safety."

Thus it has come about that the two constitutional doctrines of due process and the police power have, as it were, waged war upon one another—the one serving to restrain and the other to extend the powers of American legislatures. In my opinion, however, the utmost extension which the courts have given to the the conception of the police power of the States does not permit it to cover such an exercise of public authority as is involved in the compulsory workmen's compensation laws of which I have been speaking; and thus the constitutional question becomes an acute one whether this legislation may escape from the inhibition of the due process of law requirement by a resort to the general legislative authority of a State to create new liabilities, or to change their incidence, or, especially, to impose liabilities irrespective of legal fault upon the part of the persons burdened by them. Whether or not the due process of law requirement will be given an inhibitory force with relation to this and similar legislation that may be enacted in the effort of the State to obtain a juster distribution of economic benefits and burdens than is secured through the operation of competitive force, will depend upon the spirit in which the courts are led to construe the limitations imposed by our Constitution upon the legislative branches of our governments.

A survey of the leading cases shows that where considerations of public administrative efficiency have been concerned, private interests or liberties have not been allowed to stand in the way. Indeed, in not a few instances, the invasions of private rights have been of the most drastic character. As illustrations of these I need only mention the authority given to our immigration officials to determine finally, and without review in the courts, the fact whether or not a person coming to our shores is a citizen of the United States and therefore entitled to land; the authority given to the postmaster-general to issue fraud orders; the authority given to public officials in the matter of assessing and collecting taxes; and, in general, the legal conclusiveness given to the determinations of administrative officials. When, however, the

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question has been not one of governmental efficiency, but of the regulation of the conduct of individuals or the use by them of their property, for the realization of the legislature's conception of social justice, or what it deems to be morally desirable or economically expedient, the courts of some of our States have certainly shown a keen anxiety to maintain private rights, especially of property, and to bring them under the protecting ægis of the constitutional guarantee of due process of law, substantively considered. Has this been wise or constitutionally necessary? There can be no doubt but that the system of common law which forms the broad basis upon which our whole systems of public and private jurisprudence rest, is of a strongly individualistic character. The influences under which it developed gave to it this character; and it was this generally individualistic political and juristic philosophy which led to the incorporation into our fundamental instruments of government of the various limitations upon legislative power, among which the requirement of due process of law is included. Shall the limitations thus imposed upon legislative action be rigidly interpreted in the light of past conditions and outworn conceptions of justice and expediency, or shall they be viewed only as broad mandates to the lawmakers that they shall not grant to public officials a power over private rights that may be exercised in an arbitrary or unjust manner, nor authorize any substantive deprivations of the life, liberty, or property of the individual except upon clear grounds of social justice and general welfare? Interpreted in this latter sense, no constitutional warrant will be given to governmental tyranny, or to the spoilation of one individual for the primary benefit of other individuals; but a constitutional way will be opened to the orderly performance by the state of all the functions which modern political philosophy ascribes to it.

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THE PHILOSOPHY OF LABOR LEGISLATION

PRESIDENTIAL ADDRESS, AMERICAN ASSOCIATION FOR LABOR LEGISLATION

WILLIAM F. WILLOUGHBY

Princeton University

Careful study of any period will reveal that back of all the complex happenings marking such period there have been certain fundamental impulses, certain human strivings, of which the happenings themselves have been, in great part, but the manifestations, or expression in concrete action. It is the prime function of the historian to discover, explain the rise, trace the development and make known the results of these forces which have dominated mass action in the past. Only as this is done do the myriad of events going to make up the body of historical data assume a real meaning, and historical narrative become other than a dry tabulation of detail.

A distinguished historian, E. A. Freeman, has well said that if history is past politics, politics is present history. If it is of value for the historian to trace out and place in their true light those great movements of the past, how much more important it is that the student of present-day politics should, by a similar examination of current events and efforts, seek to make known, and interpret the forces and aspirations now dictating the collective action of peoples. Just as history has little significance for us, except as these mainsprings of human conduct are laid bare, so present politics will fail to have that meaning, which it should have, unless we can have clearly in mind the great ends towards the accomplishment of which present-day collective or political action is directed. It is for us, therefore, students and practical workers alike, in the field of politics occasionally at least to stop and ask ourselves: what are the motives, the

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fundamental objects, that we have in view in proposing and advocating concrete measures of reform? Have we any real social philosophy? Can we claim any fundamental end the achievement of which will represent a gain other than the particular improvements sought to be accomplished by the specific measures proposed? If we have, and if we can bring them home to the people, we will have accomplished a great step in the campaign for betterment upon which we are engaged.

If we reason the matter out carefully, I think that we can not fail to realize that any great reform calling for political action has at least two distinct tasks to accomplish. It must convince the people, and their representatives; first, that the specific result sought to be accomplished is in itself a desirable one; and, secondly, that this result is one which can, and should, be accomplished through political action. Patent as this is, I think that too often, in our earnest strivings to accomplish the first, we lose sight of, or at least fail to pay due attention to, the second.

It has now been a matter of something over twenty-five years that I have been earnestly interested in the great movement for the improvement of industrial conditions and the betterment of the conditions of labor. I think that I can say that no field of social reform has in the past appealed, or in the present appeals, more to me than does this giving to labor that share of the well-being now enjoyed by other more fortunate classes, and of which it is at the present time so largely deprived. In common with all workers in this field I have welcomed the improvements that have, at this point and at that, been accomplished. I believe that progress has been achieved and that a further advance is inevitable. To this extent I am an optimist. It is when, however, I look back on the tremendous efforts that have been put forth to bring about these few and isolated achievements, and the time that has been required for their accomplishment, that I am impressed with the fact that something must be radically wrong that these gains should only have been secured at such an expenditure of time and strength, and that each time some simple improvement is sought to be accomplished the same fight has to be laboriously fought over again.

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Reasoning on the matter, in this pessimistic mood, I have come to the conclusion that the explanation lies in the fact the we have never yet performed the second of our fundamental tasks. We have again and again asked of the state to exert its sovereign power to bring about a certain condition of affairs but we have never converted the people whole-heartedly to the principle that the determination of the fundamental conditions under which industry should be carried on, and labor performed, is, or should be, a prime function of the state, and that, as such, the latter is performing its duties properly in this field only to the extent to which it is acting upon this principle. Essentially, fundamentally, therefore our great problem is a political one. It is that of bringing about a change in the political philosophy of the people. Could we once accomplish this the battle would be virtually won all along the line. There would remain but the comparatively easy task of perfecting the technical details through which this general principle of state action would find expression.

Back in their minds the American people are still dominated by the dogmas of laissez-faire and individualism as preached by the Manchesterian and utilitarian schools of the middle nineteenth century. They still are influenced, though often unconsciously, by the doctrine that all resort to the state is to be deprecated. To the conception of the state as a powerful agent for the accomplishment of positive good they lend but a reluctant ear. As Gambetta said in respect to the opposition new France was encountering, "Le clericalisme, voilà l'ennemi;" so the modern social reformer must say of this attitude of mind toward the function of the state, "There is the real enemy to be met."

If we turn to other countries we can find scarcely a vestige of this old philosophy remaining. No more striking evidence of this fundamental change in political thought is afforded than that offered by the transformation that has taken place in the political principles of the Liberal party now in power in Great Britain. During the great liberal period, ushered in by the reform act of 1832 and extending to at least 1874, the Liberal party stood for the economic doctrine of laissez-faire and the

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political doctrine of individualism as urged by the most ultra of these schools. From this position the party has made a complete volte face. Today it stands no less emphatically for the new conception of the state as an agency whose full power should be exerted for the betterment of the material interests of the people.

It has been the fashion to characterize this change as one from individualism to collectivism or even socialism. Collectivistic it certainly is if by that we mean the recognition of social rights and duties and the use of social or collective action to meet them. That it is anti-individualistic in the sense of laying little, or less, emphasis upon the desirability of individual freedom and initiative is wholly incorrect. Modern liberalism, in the United States as well as in England, looks to state action as the means, and the only practical means, now in sight, of giving to the individual, all individuals, not merely a small economically strong class, real freedom. It holds that the so-called freedom of the dependant woman and child to work as long hours and under any conditions, no matter what the danger to health and limb, is, in truth, but abject slavery masquerading under the name. Freedom means a real liberty to choose.

Fundamentally there exists throughout modern society the juristic paradox that liberty is many times sacrificed by laws conferring freedom, and that laws establishing legal restraints have as their result the broadening of the field of liberty. No one has put this paradox more clearly, nor analysed it more acutely, than Dicey in his brilliant work *Law and Public Opinion in England in the Nineteenth Century*. "Ought," he says, "a borrower to have the right to obtain a loan, which he urgently requires, by the promise to pay usurious interest? Ought a man, to take an extreme instance, to be allowed to make a contract binding himself to be the servant of his neighbor for life? (Such a contract was legal in England as late as 1837, and though specific performance could not be enforced, damages for its breach could be recovered.) To put the matter more generally, ought every person of full age, acting with his eyes open and not the victim of fraud, but who nevertheless is placed in a position in which from the pressure of his needs he can hardly make a fair bargain, to be capable of

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binding himself by a contract? If these and the like questions be answered in the affirmative an individual's full contractual capacity is preserved, but he is in danger of parting by the very contract which he is allowed to make with all freedom."

Again: "May X, Y and Z lawfully bind themselves by agreement to act together for every purpose, which it would be lawful for X, Y or Z to pursue if he were acting without concert with others? If this question be answered in the affirmative the contractual freedom and therefore individual liberty of action receives what appears to be a legitimate extension, but thereupon from the very nature of things two results immediately ensue. The free action of X or Y or Z is in virtue of the agreement into which they have entered placed for the future under strict limits and their concerted action may grievously interfere with the liberty of some third party. . . . . If on the other hand, the question before us be answered in the negative, and in the interest of individual freedom, the law forbids X, Y and Z to combine for purposes which they might each lawfully pursue if acting without concert, then the contractual power of X, Y and Z, or, in other words, their liberty of action, suffers a serious curtailment. . . . . Hence the right of association has, even from the merely speculative point of view, a paradoxical character. A right which seems a necessary extension of individual freedom may, it would seem, become fatal to the individual freedom which it seems to extend."

I have quoted at length from Dicey for three reasons. In the first place, it brings out clearly the fundamental principle underlying, and furnishes the true justification for, all action on the part of the state having for its purpose the regulation of industry and labor, whether it applies to combinations of labor or capital, to the imposition of conditions to be observed in the interest of health and security, or to the basis upon which the labor contract between employer and employee shall be made. Secondly, it demonstrates that abstention on the part of the state from all attempts at regulation does not necessarily mean real respect for individual freedom of action. On the contrary it may mean the sanctioning by law of conditions which will in effect destroy any real freedom;

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and, conversely, that legal limitations upon freedom to do certain things may, and in all proper social legislation will, result in a real increase in individual freedom and independence. Finally, as the logical deduction from this, the battle upon which we are engaged for the determination by law of the conditions that shall obtain in industry, whether it relates to health, security or the labor contract itself, instead of necessarily meaning, as many suppose, a narrowing of the sphere of individual liberty is, as we believe, directed to the end that real freedom may find fuller expression.

This, then, is the answer to the question propounded in the earlier part of our paper. Have we any real social philosophy? Can we claim any fundamental ends the achievement of which will represent a gain other than the particular improvements sought to be accomplished by specific measures of reform? We have such a philosophy, and, contrary to general belief, it is one that looks to the broadening of the real liberty of the individual. We recognize with Dicey that in asking for the imposition of certain conditions we are infringing to that extent upon theoretical liberty of contract. But with him we believe that we can maintain that such restrictions are far more than compensated for by the greater practical freedom in other respects conferred upon the people affected. Our philosophy rests upon the dual postulate that there is a minimum of economic independence and comfort that must obtain if an individual is to be measurably free, and that this minimum can only be secured by the state assuming the obligation to see that it is in no case violated. It holds that liberty and law are correlative terms: that the first can truly exist only through, and by virtue of, the second. Remove all legal restraint on the manner in which industry shall be carried on and we invite but a merciless exploitation of the weak and their subjection to a condition of dependence. We hold therefore that the refusal by the state, which alone has the power of enacting and enforcing general rules of conduct, to determine the minimum conditions of health, security and comfort which the public conscience demands as the birthright of all, its refusal to prevent the exploitation of the weak and helpless through excessive hours of labor or

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the payment of inadequate compensation, and its refusal to ensure that due provision will be made, through insurance institutions, or otherwise, against the four great contingencies threatening the economic security of the individual—accident, sickness, old age and inability to find work, means its failure to meet that duty which it is the prime function of a constitutional government to perform; viz., the protection of the individual against oppression and the guaranteeing to him of the fullest possible enjoyment of life, liberty and the pursuit of happiness.

It is at this point that we join forces, and stand shoulder to shoulder, with other individuals and organizations which, like us, are fighting the battle of social improvement. It is not by mere chance that we see at the same time such great parallel movements as those for the improvement of public health conditions, for the regulation of housing conditions, for the better treatment of the dependent and defective classes, for the extension to the masses of opportunities for education and the provision of rational means for recreation, for the cheapening, expediting and improving of methods of judicial administration, to the end that the courts may be open to all rich and poor alike, for the regulation of commerce, and finally, for the accomplishment of the ends to which we have specially dedicated ourselves, that of improving the conditions under which the individual worker shall perform his labor. All of these present the same fundamental characteristics. They stand for the equalizing of opportunities, the giving to all the same chance for health, education, recreation and labor, in a word, personal freedom, in so far as such opportunities can be brought about by collective action. They base their efforts upon the sound social philosophy that there are social as well as individual duties. They adhere to the school of political philosophy that maintains that it is the function of the state to give expression to, and to put into effect, so far as it can, these demands of the social conscience. In fighting our fights we are at the same time contributing our part to the general movement for a fuller recognition of the province of the modern state. With those working in the other fields we are staunch individualists, but we maintain that this real individualism can only be secured

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through the state recognizing that affirmative action on its part is necessary if this end is to be attained.

We have now considered one of the bases underlying our philosophy. It has to do with the individual as individual, his welfare and his liberty.

There is yet another phase of our philosophy that as yet has received only casual or accidental attention. I allude to its bearing upon the all-important problem of national efficiency. Of the great impulses now actuating humanity none is more deep rooted, none more widespread, than that actuating the several peoples of the globe to strengthen their position in the general family of nations and, if possible, to achieve supremacy. In all periods of history nations have striven to increase their power and to dominate in the field of world politics. The modern phase, however, differs in many respects from those that have preceded. Chief among these differences is the fact that, for the first time in history, all the nations of the globe have, in effect, been brought within the circle of this competition. For the first time, there is a realization of the smallness of our sphere. The period when increased power is primarily obtained through territorial expansion and development of new and uncivilized territory is drawing to a close. Hence the strenuous struggle for the few districts yet remaining. The feeling is that the time is well within sight when all nations will occupy their allotted portions of the globe. Even now most of the nations may, in this respect, be said to have come to a state of rest.

This does not mean that competition between states will cease. It means merely that it will enter upon a new phase. It means that it will become intensive instead of extensive. From now on nations will put forth their most strenuous efforts so to develop their internal resources as to give them the supremacy to which they aspire. This brings us to the second of the differences marking off the modern from preceding phases to which allusion has been made. International competition will be industrial and commercial as well as military. Instead of narrowing, the field of contest will thus broaden out so as to include almost all phases of human

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activity. This can mean but one thing. Victory will perch upon the banner of that nation which succeeds in developing the greatest efficiency in the arts of peace. If a nation desires to advance in this competition it behooves it to apply itself consciously and deliberately to the perfection of all of its institutions and agencies, to the conservation and development of its natural resources and to their most effective utilization for the satisfaction of human wants.

Of all of its resources labor is by far the most important. So important is it that one may almost say that all else depends upon it. Not until a nation has secured a body of sturdy, skillful and contented workers can it be said to have met the first requisite to national efficiency. It thus becomes a matter of prime importance for the nation as nation to apply itself to the task of bringing about this condition of affairs. As in the past the nation that would succeed had to apply itself to the training of its soldiers, so now it must apply itself to the training of its industrial workers. We are appalled at the suffering, loss of life and destruction of wealth entailed by war and preparation for war. They are as nothing compared with the misery, sickness and death now due to the failure of society properly to control the conditions under which industrial work shall be performed. No one can calculate the loss daily taking place as the result of the use of feeble, untrained, discontented workers.

It is part of the philosophy of our organization that, in striving for the welfare of the individual, we are at the same time striving for the increase in strength and power of the nation. We believe that in seeking to secure that children shall not be employed during their tender years, that women shall not be permitted to perform work unsuitable to their strength, that men shall not be made to work excessive hours nor be subjected to conditions detrimental to their health or security, that in the case of all classes compensation shall be such as to permit of proper nourishment and protection, that opportunities shall be afforded for rational recreation and the development of their faculties, that facilities shall be provided for general and technical training, that security shall exist for their support and that of those dependent upon them

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when they are incapacitated for labor through no fault of their own, that the terms of the labor contract determining the conditions under which they give their labor shall be a fair and equitable one, and that provision shall be made for the proper adjustment of all differences arising out of such contract, that in urging these and other kindred measures we are seeking to have done only that which, apart from all other considerations, is absolutely essential if our nation is to conserve and increase its national power and hold its own in the great world contest for supremacy.

No one, I think, can deny that to its efforts in this field are due, in no small part, the astonishing development in national power of the German people. If we turn to the Far East we have, if anything, an even more significant example of this in the rise in power of Japan. While this paper was in process of preparation there came into my hands the extremely interesting document in which President Eliot gave to the Carnegie Foundation for International Peace the results of his observations in the East. In reading it I was struck with the fact brought out by him that Japan, in its unexcelled work in the field of preventive medicine, and in working out and applying a scientific ration for her soldiers and sailors, had been actuated primarily by the desire to secure efficiency in its military establishment. Only secondarily, or at least to a less extent than is the case with western nations, was it moved by the purely humanitarian interest in the welfare of the individual. Whether the laying of the emphasis on this side is or is not to be deemed the proper motive is, for our present purpose, immaterial. The important point is that Japan has not only recognized that national power must be secured through the development of the individual but has demonstrated that no expenditure or effort is too great to this end. At the outset the attention of the Japanese government was naturally concentrated upon the army and navy. More directly pertinent to our present subject is the fact that Japan is now no less fully cognizant that the same policy is demanded in the industrial field. The rapid rise in that country of manufacturing on a large scale has brought with it many of the evils so greatly in evidence in western nations. Engrossed in her foreign wars Japan has not had the time to reform

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her legal system to meet these new conditions. President Eliot points out that existing evils are fully appreciated and that Japan is now about to do for her industrial army what she has so ably accomplished for her men in armor. The United States today is far in the rear of most of our great competitors in respect to social legislation. Let us take heed that we are not distanced too far by both the East and the West.

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DIPLOMATIC AFFAIRS AND INTERNATIONAL LAW, 1913

ALFRED L. P. DENNIS

University of Wisconsin

War has marked the year 1913; and charges and countercharges as to alleged atrocities by belligerents have been rife. Treaties were drawn to be promptly torn up; and solemn declarations of intention and policy often proved futile. The existence of internal disorder and the outbreak of domestic revolutions in several countries have also exerted disturbing influences on international relations. The result was economic loss and diplomatic tension even well beyond the field of military operations. And these conditions have led to renewed activity in the struggle for concessions and investment in renascent communities. Racial and religious sentiments have also aroused bitter feeling; while political leaders in several countries compel renewed consideration of the weight of individuals in the determination of the world's affairs.

In large part the problems of 1913 were historic; but in part they were affected by apparently impending changes which we cannot as yet define. Thus the influence of socialism and of various forms of radical thought on international relations is a factor. The adoption of oil as a naval fuel, the opening of the Panama Canal, the plans for administrative reorganization of Turkey, and its capitalistic development, the renewed debate as to the Monroe doctrine, and the problem of China are all matters whose future significance scarcely concern us here; but their influence in the past year has been unquestionably great. We cannot estimate as yet the true value of many recommendations touching various fields of international coöperation; and the value of delay in international action still remains in dispute. So on the whole the year 1913 has apparently been the year of the cynic.

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Nevertheless a more careful view will emphasize the knowledge of the strong and recent impression so bitterly gained even by non-combatants and by neutrals as well as by belligerents as to the cost of war. The European chancelleries even in the very face of war found a way out of their *impasse* last spring; and the dignity of their combined verdict as to territorial settlements gave way before their mutual jealousies and thus later prevented the risk of treaty revision or of armed intervention. The powerful public opinion of Europe was fundamentally peaceful and today Europe is exhausted as it attempts to digest the events of the year. The economic depression of 1913 and the openings for profitable investment in 1914 are also decided factors making for peace. In this fashion the belief grows that a step has been taken toward the prevention of a great European struggle; at all events the dread of war has increased. In particular out of the events of 1912–13 Anglo-German relations have advanced to a more friendly stage.

Yet the armaments continue to grow. The difficulty of securing the money for them is also increasing; and consequently there is more talk of their limitation. But the main difficulty in checking the growth of armaments is that each power can give its own special reason for an increase; and, unless each power and consequently every associate in any alliance or group of powers can agree to a proportionate reduction and can pledge that money saved in one field of armaments will not be expended in another, no single power dare act alone. This is only natural. For, though the cynic of 1913 has not entirely carried the day, the memory of 1909–13 is the memory of *le fait accompli*.

THE BALKAN WARS AND THE EUROPEAN SITUATION

In January two conferences at London attempted to deal with problems arising from the war of the Balkan allies against Turkey. Both the representatives of the great powers and the delegates of the belligerents failed to secure peace at that time. But on May 30, the treaty of London was signed ending the first Balkan war. In the interval a *coup de main* at Constantinople on January 23

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restored to power the Committee of Union and Progress and thus made almost inevitable the renewal of hostilities on February 14. Then on March 6 the Greeks captured Janina; on March 26 Adrianople fell; and Scutari was at last occupied by the Montenegrins on April 22. The intrenchments outside of Constantinople were, therefore, for a time the western outpost of Turkey in Europe. But the Albanian question and disputes between the allies as to the distribution of conquered territory had also become acute.

The Albanian question was already an important factor in December, 1912, while Austria and Russia remained ominously armed. It involved territorial claims by Montenegro, Servian ambitions for a direct Slav outlet to the south, and Greek expansion to the northwest. The religious and racial diversities of this embattled region consequently became pawns in the diplomatic game, as there loomed the larger questions of Austrian and Russian rivalry and of naval and commercial power on the Adriatic and Mediterranean sea-board of Europe. In December the powers had recommended the establishment of an autonomous Albanian state; and, late in March, Austria and Russia agreed on northern and north-eastern frontiers which would include Scutari and Durazzo. But the Montenegrins in the face of an ultimatum of the powers to enforce this decision stated that "they were celebrating Easter, when it was not usual to do business, unless it was of urgent importance." Meanwhile huge sympathetic Slavic demonstrations in Russia also threatened the common policy of the European concert. But an international blockade of Montenegro and a joint occupation of Scutari on May 14 relieved European tension. The delay in drawing the eastern and southern frontiers and the proposal that they should in part at least conform to racial distribution led to military action by Servia and Greece in the autumn in order to extend their ethnological claims. But on December 19 the international Albanian commission of delimitation finished its work; and it is reported that Prince William of Wied is to become the ruler of this new neutral state under international authority. Thus Europe was saved from a greater war although Albania still remains in a disturbed condition.

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This solution was however largely responsible for the outbreak of the second Balkan war, since it deprived all the allies save Bulgaria of territories which they had hoped to secure either through *ante bellum* agreement or because of military success. The origin and purpose of the Balkan alliance still remains somewhat obscure; but in these matters may lie the real clue to the general European situation in 1912-13. In any case it is probable in view of very recent statements that the Triple Alliance treaty of 1887 guaranteed compensation to Italy if Austria should acquire Balkan territory. In 1909 the German attitude toward Russia supported the formal annexation of Bosnia and Herzegovina by Austria; and in 1911 Italy began the occupation of Tripoli. This was at a time when German policy as to Morocco and the Congo region was the chief concern of England and France, when the condition of Persia was a decided Russian interest, and when Turkey was facing difficult domestic problems. But it is probable that, within a fortnight after Italy acted, representatives of Bulgaria and Servia under foreign inspiration met in a railway train on October 11 to discuss the first Balkan treaty of alliance.

Already another line of policy had contributed another strong element. This was the secret revival by M. Venezelos of the idea of M. Tricoupis in 1891 of a Greek alliance with Bulgaria. And in Servia in 1908 with the first surge of the revolution at Constantinople there had been a notion of a Balkan confederation, which might then have included Turkey, as a balance against the weight of *Germanentum;* but the character of Young Turk policy in later years checked such an idea. Still Servia as a Slav state continued its friendly relations with Turkey, while it pursued an anti-Austrian diplomacy. Montenegro, already both anti-Austrian and anti-Turkish, sounded Russia both in July and in the autumn of 1911 with a view to economic expansion. Russia, mindful of 1909 was ready to assist a Balkan confederation which might strike toward Vienna or toward Constantinople. If successful against Turkey such a union would in any case check the advance of Austrian influence in Slavic regions. And according to a secret treaty recently printed in *Le Matin*, the authenticity of which has as yet not been denied, Russia agreed with the Balkan allies in

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1912 to supply war material, to give information as to Austrian military plans, and to protect the allies against either Turkey or Rumania in case the allies were engaged in war with Austria. Thus in January, 1913, the Balkan confederates were also bound by the secret Serbo-Bulgarian treaty of March 13, 1912, which in particular arranged for the mutual distribution of Turkish territory and by the secret defensive Greco-Bulgarian treaty of May 29, 1912, which became an offensive treaty against Turkey by the secret convention of September 25, 1912, but did not contain provisions as to partition of Turkish territories. The other successive mutual engagements of all the parties to the alliance did not contain any additional political provisions, yet one obscure clause in the convention of September 25 seems to rest on the possibility of the presence in eastern Thrace of Russian troops. Thus the union began from diverse sources and in chronological fashion Greece, Montenegro, Bulgaria, Servia and Russia, each gave its own stimulus for its own purpose. These were some of the contributions to the Czar Ferdinand's "*année énigmatique.*"

In view of the precise as well as of the inadequate terms of these treaties the importance of the Albanian solution is apparent. For this international solution, which was forced by Austria, violated the Serbo-Bulgarian arrangements for the distribution of Turkish territory and was a disappointment to Greece and particularly to Montenegro. Thus the treaty of London of May 30, 1913, although it asserted a victorious boundary against Turkey unfortunately also left the allies with difficult problems. And there were additional facts which contributed to the disruption of the Balkan alliance and which affected the general situation. Their dismal summary includes the natural demand for compensation by Rumania, the failure of suggestions as to allottment of Salonika and Kavala to Greece and Bulgaria respectively, and the reservation by the powers of the final distribution of Aegean islands, some of which were still held by Italy as the result of the Tripolitan war against Turkey. The ancient blood soaked soil of the Balkans was also fertile for religious and political jealousies; and in Rumania, Bulgaria and Servia the intense rivalries of domestic leaders reacted sharply at critical moments on the conduct

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of national foreign policies. In the Balkans the historical intoxication of military successes and at Constantinople the separate policies of the great European powers made the war of the allies almost inevitable. Even the endeavors of Nicholas II. in early June to prevent war failed. Indeed they contributed to the general result by virtue of their dilatory influence on Bulgarian military action. Thus the attack on Bulgaria by Servia, Greece, Montenegro, and finally by Rumania was successful; and a resilient move by Turkey recovered Adrianople for Islam. These events left the treaty of London somewhat tattered. Therefore in a documentary sense peace in the Balkans rests in large part on the treaty of Bukarest of August 10 which again defined the boundaries to the profit of peaceful Rumania, of Servia and of Greece. Montenegro gained slightly; and Bulgaria gained positively but also in ironic fashion. The treaty of Constantinople of September 29 between Turkey and Bulgaria and the treaty of Athens of November 13 between Greece and Turkey squared the diplomatic circle, as Servia and Montenegro had not been at war with Turkey since last May. Crete finally and officially became Greek on December 14; although the disposition of Aegean islands remained before the councils of Europe. In late December the British government recommended that except for Imbros and Tenedos the islands occupied by Greece should be retained. In the meantime Italy continues in control of those other islands which by the treaty of Lausanne of 1912 were to be restored to Turkey when other terms of that agreement had been fulfilled. At present therefore the powers are in this matter still lacking in what the German and English press have previously termed "a European spirit."

Affecting all these matters there is also the struggle for financial and diplomatic advantage in the development of Asiatic Turkey, of Persia and of Arabia. Armenian reforms and the general administrative reorganization in Turkey involve both the philanthropy and the military science of Europe. For if we can forget the Balkans we must face a new age of anxiety as to eastern Asia.

Arabia has been ample ground for the exercise by England of her local prerogatives for the extension of order in the Persian

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Gulf region. Indeed both here and in India and in Egypt the attitude of troubled Muhammadans became an imperial consideration as Great Britain, the largest Muhammadan power, met the sympathetic interest of orthodox Islam in the fortunes of Turkey. But in such a connection English policy also reaches political interests in Persia and as to the Bagdad railway. Even last spring at Berlin negotiations with regard to the railway among Franco-German as well as Turkish and English representatives took a new form and their conclusions will affect the entire Anglo-German problem. Meanwhile in 1913, calamitous conditions in southern Persia, where "not only Government authority but also tribal authority is in complete dissolution" provoked renewed interest in projects as to a trans-Persian railway. The Swedish and American officers in the *gendarmerie* are encountering an increasingly difficult task in trying to restore order in middle Persia, particularly since Great Britain has recently refused to undertake a military movement from India. Therefore, Anglo-Russian relations with regard to Persia have officially stood still; and "optimism as to Persia is not a fashionable malady."

In the Ottoman Empire the concentration of its Asiatic power is still exposed both to local and foreign disruptive forces. It is at times difficult to separate them. But in Syria decentralization and foreign pressure have secured under international authority a reform of the constitution of the Lebanon, which has stood for sixty years. In the villayet of Beirut Arab nationalism and in Anatolia the arrival of many thousands of returning soldiers and exiled officials from Macedonia have compelled foreign interest in plans for administrative supervision by means of a system of foreign inspector-generals in various districts. The degree of their authority may determine the possibility of another series of Armenian massacres. But in the midst of Balkan diplomacy and when the European concert was tried to the utmost separate powers began their special negotiations for concessions. The influence of these measures on the various stages of both Balkan wars and on the European situation is as yet perhaps incalculable. The exact character of the successive Turkish agreements with Russia, Germany and France for railway construction are

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not public; nor is Italian interest in a proposed line from Adalia clear. But as a loan to Turkey under French auspices is part of the scheme the extension of French interests in Syria has become apparent. Indeed these matters have already been connected with special French claims in Palestine as to education; and the French navy when in Levantine waters is to resume its observance of Good Friday.. The Russian contract for roads in northern Anatolia includes a plan for Armenian reforms. The continuation of German economic undertakings was followed by the appointment of a German military commission to reorganize the Turkish army; and the British Armstrong-Vickers group has just begun the reconstruction of the navy.

Meanwhile in the end of December Austria and Servia are still bickering over tariffs on Servian railways; and the question of the control of the Orient line to Greek Salonika is a subject of important negotiation. But Austria is also helping Bulgaria financially, while a careful plan is under way for better relations with Rumania. The Balkan result is at best a "sort of peace." But all of these separate negotiations illustrate the final idea of the Russian prime minister; "We see no use in setting up groups of powers, one against the other." The Balkan confederation collapsed before its rivalries; an enforced attempt at equilibrium rather than an alliance or a hegemony is the result. So in England and in Russia there was small talk of a French *revanche* against Germany in spite of the recent provocation of the Zabern affair in Alsace-Lorraine. Austrian publicists are disturbed over the failure of Germany to back up some Austrian policies; and in the Adriatic Italy and Austria are not on the best of terms. In other words although the alliances and *ententes* continue, although Tangiers has been internationalized and Spanish friendship for Anglo-French association grows, the power of separate policy is an increasingly important consideration. It may not make for peace; indeed such tendencies in connection with existant treaties might enlarge the possibilities of war. But its fruit may shortly be seen in an understanding between Germany and England, based on the experiences of the year and on the reported renewal in 1913 of negotiations which date back to 1901. Then, on the authority of Sir Valentine Chirol's

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significant comment on Count Hayashi's memoirs whose further publication the Japanese government recently prohibited, the German notion for a *rapprochement* with England included an agreement as to American affairs. At Berlin it is reported there was an informal exchange of views last July which later forbade on "moral grounds" the official participation of either England or Germany in the San Francisco Exhibition.

ARMAMENTS AND FINANCE

The first Balkan war gave impetus to increase in European armaments. Thus tax-payers in neutral countries promptly felt an additional financial and personal burden. There had been an enormous shrinkage in values; the money markets were greatly depressed; and in Austria particularly there had been a great loss in trade as people had been hoarding. In Austria there was also the unexpected cost of extensive mobilization. The reaction of these political, military, and economic forces on public opinion and on diplomatic policy was both complex and powerful. Thus within the past two years there have been large additions to the armies of countries officially at peace.[1] In the case of Russia this increase of 75,000 is apparently independent of the regulation of last spring which went into effect in October extending for infantry the three years legal term of service by a quarter of a year. The war office recently stated that this change is "connected with the steps taken by western European powers for increasing the strength of their armies;" and the keeping of the trained three year old soldiers from January to April, together with the arrival of the fresh recruits in October or a little later will add to the army 350,000 for about half the year. The object is to strengthen the army at a time when hitherto it has been weakest, viz: September to April. This policy if extended to other arms under similar conditions should add 85,000. The exceptional position of Russia may enable her to endure this addition without severe strain. For one of the most important facts in the present condition of

[1] Russia, 75,000; Austria-Hungary, 58,505; France, 183,715 (voted) Germany, 38,372 and 136,000 (voted).

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world politics is the economic recovery of Russia. Since 1900 her foreign trade returns have nearly doubled, the aggregate value of her manufacturing interests has increased 40 per cent within eight years. The state revenues within five years have increased over 20 per cent; and bank deposits have more than doubled within the same period. Reviving agriculture and an increasing population together with a comparatively quiet internal condition make possible an active political policy. And policy determines armaments.

In the case of Austria-Hungary the cost of military preparations during the first Balkan war was easily over $75,000,000. It is impossible to refund this cash at once, and, though a complete budget is not as yet available the preliminary statements are most unfavorable. Yet the recent military laws look to an eventual increase in the total number of trained soldiers by over 600,000. The dangerous drain of young men to North America has therefore recently prompted the military authorities to arrest the emigration agent of the Canadian Pacific at Vienna. But neither in the case of Russia nor of Austria do we as yet touch naval expansion.

The plan of the German military law of 1913 was first in the field. Its principle was determined by January, and on March 28 (two days after the capture of Adrianople by the Bulgarians and Servians), it was officially announced that "by reason of the events taking place in the Balkans the balance of European power has been shifted." Consequently it is "our supreme duty" to make our defence "as strong as our population allows." The military law of 1912 was therefore to be hastened in its operation; and the law of 1913 was introduced and soon enacted. Together they change the percentage of the army (at peace strength) from 0.83 to about 1.02 per cent of the population. The new law means that about 63,000 new recruits will be called annually to enjoy, as was said in the Reichstag, "the blessings of military training." We can see the importance of these two laws when we appreciate that their result is an increase almost equal to the total increases specifically provided in the entire series of German military laws, 1873–1911. The cost of the increase of 1913 is at the outset apparently over $247,000,000 with a recurring annual cost of over $45,000,000. The result is a levy on property, a *Wehrbeitrag*,

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and in addition an increment property tax. Another feature is the raising of the imperial gold war chest from $30,000,000 to $60,000,000 and the creation of an additional fund of $30,000,000 in silver. Prompt mobilization for war and prompt collapse of credit are likely to go hand in hand; and the German army hopes to be ready for both. The general prospect, therefore, is that shortly there will be an addition of more than 2,000,000 trained soldiers in central Europe. These arrangements are among the most important international results of the year.

The French answer to the German increase was in purpose the same but different in method. For the French sacrifice to national defence, in the world as it is, was an additional year of military service. The term is lengthened to three years with incorporation at the age of twenty instead of twenty-one. This will raise the peace strength of the army to 673,000 as against 865,000 in Germany. The immediate cost is estimated at $186,000,000 with an additional annual cost of $35,000,000. These proposals came at an unfortunate time for there was already one deficit of nearly $80,000,000 which had been charged against operations in Morocco where over 75,000 troops are now maintained. In the present confused condition of French finance it is almost impossible to give precise figures but from estimates as recent as December 17, there is probably an additional deficit for 1913 of $41,000,000; and Senator Gervais, a financial expert, estimates that taking into consideration deficits, ordinary expenditure and the extraordinary military budgets of the next few years $800,000,000 will be needed to restore French national finance to a sound basis. But it was not entirely this problem which wrecked the recent ministry on December 2. They had proposed an internal loan of $260,000,000; and they were defeated when they tried to guarantee the immunity of this stock from any future income tax. In the new ministry M. Caillaux proposes an income tax and must in some way finance the three year service act. For the prospect of a two party alignment in France does not touch as yet the issue of national defence.

But in addition to the requirements of France, Russia needs capital for railways, some of the recent belligerents are clamoring

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for money, and both in Turkey and China are great concessions to be financed. Furthermore this new French ministry is radical and socialist; and M. Caillaux, the French minister, who was premier at the time of the Agadir *coup* in 1911, is credited by some with a readiness for a *bouleversement des alliances* and certainly for more friendly relations with Germany. These possibilities of the closing days of 1913 suggest that in certain respects the endeavor to "localize" the Balkan struggle failed.

The naval budgets do not on the whole show any such sudden changes as were clear in some of the military budgets. But the compressed figures given below[2] also represent an annual burden on the taxpayer. And these fleets are likewise instruments of policy, whether defensive or offensive. In any case a variety of international questions, effective or potential, are in close connection with naval armaments. Thus the reconstruction of the Russian navy, the Austrian and Italian position in the Adriatic, the changes in the Aegean and the Mediterranean, British interests in the West Indies, the problem of colonial navies, particularly with reference to Australasian claims for a "white man's Pacific," the possibilities of the Panama Canal, the increasing value of oil as a naval fuel, and the suggestion for a "naval holiday" are all topics of 1913. But by selection we turn to the "naval holiday."

[2] For comparative purposes these figures are not entirely satisfactory because of the three different financial years of Great Britain, France, and the United States, because of varied minor charges included in some naval budgets and because it has been necessary to take amounts voted for new construction etc. and not amounts expended in a given year in order to secure a common basis. The figures are given in millions of dollars for a financial year starting in 1913.

	GREAT BRITAIN	FRANCE	RUSSIA	GERMANY	AUSTRIA	ITALY	JAPAN	UNITED STATES
Total naval expenditure	235	104	121	115	30	50	48	147
New construction and Armament	80	44	59	55	16	(a)	17	36

(a) Figures not available. In any case the budget of the Italian army was omitted because Italy had been at war and was still naturally in an abnormal condition. All of the other powers were at peace.

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In February and again in October Mr. Churchill renewed his frank suggestion of the coöperation of England and Germany in the reduction of naval expenditure by an agreement to delay for a year the start of certain new ships. The October proposal was that if Germany would postpone for the year the beginning of the construction of two first class ships, England would do the same in the case of four such ships, provided always that if Germany and England united in this policy other powers should be persuaded to stand still in similar fashion. This problem is therefore, an "all-European" one; but in December a resolution approving the idea of a "naval holiday" passed the United States house of representatives by a vote of 317 to 11.

However, in European language such a proposal involved first a "conversation" based on the grouping of the various powers, which in view of recent history is on the whole scarcely a wise possibility. Furthermore the release of money from a naval budget might relieve pressure as to other military preparations or the naval money might be used for fortifications and for increased land forces. Naval power for an island and military strength for a nation with land frontiers cannot easily be reduced to a common equation. At all events there is the possibility of recrimination, of public dispute as to matters which had best be left alone. And in the case of Germany, where the idea met with general disapproval, the present naval law runs to 1920, defining the program which has almost become a contract with naval construction firms, though this aspect should be only a small factor. So far, therefore, the idea is chiefly very interesting.

But in general the past year has seen the allotment of enormous sums for armaments. They have aroused increasing comment; and in a year of financial depression these appropriations have reacted unfavorably on the money market. In connection with other forces the methods of national finance are tending to an increase in direct taxation. This movement even in countries which have not been at war has already laid the operations of diplomacy and the cost of armaments on the desk of the financier and at the door of the man of moderate income. The whole international situation is therefore tending to become of personal

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interest to the relatively poor man chiefly on material grounds. The obligation of personal military service is another matter. But the prospects of the immediate future lie with the *bourgeoisie* and the banker, while labor waits.

THE FAR EAST

In China the maintainance of civil authority, foreign policy, and the necessities of finance have been a trinity. Here as elsewhere in 1913 the relation of local and international questions has been marked; and the historic character of the present problem became clear soon after the first meeting of the Chinese parliament last April. For the period of "beautiful repose" began to crumble as the struggle between local authorities and the central government took form last July in the rebellion of the southern provinces against Peking. This revolt was suppressed; and in November President Yuan Shih-Kai became practically dictator.

These movements date, however, to the earlier protest by Dr. Sun Yat-Sen, the radical southern leader, against Russian advance in Mongolia and English influence in Tibet. After the publication of a Russo-Chinese treaty providing for the autonomy of Mongolia with special privileges secured for Russia the Khutukhtu of Mongolia and the Dalai Lama of Tibet entered into an alliance on January 21. The Russian treaty was much criticised in China and it was only last October that the terms of the mutual declarations embodying the principles of this treaty were practically determined. Outer Mongolia really becomes a Russian protectorate; but the definition of territory remains for further negotiation. The Tibetan question developed more slowly; but in October at a conference in Simla the English government did not oppose Tibetan autonomy nor Tibetan pecuniary claims against the Chinese government. In the mean time English complaints regarding alleged violation of the opium treaties were frequent. It was asserted that by January 1, 1913, 30,000 chests of opium had accumulated in the treaty ports; and the refusal of the Chinese government to admit $35,000,000 worth of Indian opium coupled with the illegal growth of native

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opium in China caused some irritation. But all of these matters are linked with the question of finance.

A London loan of $3,750,000 in February was a merely temporary expedient. Dr. Sun Yat-Sen's party in the Chinese Senate attempted to damage President Yuan Shih-Kai by repudiating a loan which he had negotiated in April. This was for $125,000,000 from the bankers protected by the five powers. Already on March 18 President Wilson had disapproved for the United States the terms of this loan and American participation ended. This breach in the six power *consortium* was followed in September by the withdrawal of Great Britain. Thus this politico-financial syndicate was dissolved. It had lost cohesion and dignity, as international rivalry arose, which sought to profit by Chinese fiscal policies. The period of cosmopolitan finance ended. It dated from 1895 with the dual alliance of the Deutsch-Asiatische and (British) Hongkong and Shanghai Banks. Later France, the United States, Russia and Japan were admitted to the group. However, installments of the $125,000,000 loan were made; and the five powers can still act together in making loans for general administrative purposes. But the withdrawal of the United States and of Great Britain has left all powers free to support their citizens in financing railroads or in gaining other privileges. The struggle for concessions is therefore at high tide in Peking, while the government is in serious financial difficulty.

The central government must be strong in order to secure money from the provinces; but its immediate power depends to a considerable degree on foreign financial support. But foreign loans may require the hypothecation of revenues, which in default of payment might involve serious political problems. In the case of a concession the problem of protection might become equally grave if another revolution should break out. The United States is therefore interested in straight finanical undertakings by investors but is strongly opoosed to political meddling by Americans. This policy rests also on the large influence along other lines which Americans have had on recent developments in China to which both British and Russian sources have recently testified. But the general problem tends to lead back to the claims of special

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spheres of influence on the part of European powers; and already in December an important railway contract had been granted to an English firm while Germans are to build two other lines.

The relations of China and Japan have been complicated because it was common knowledge that Japanese public opinion was friendly to the southern rebellion. Furthermore Japanese citizens suffered at the capture of Nanking by northern troops. This led to demands for reparation; and only an apology by China ended what threatened in late September to be a serious situation. But the peril of disorder and consequently of foreign protest still continues because of large numbers of irregular troops which have not been disbanded. Japan, however, was first to convey its recognition of the Chinese government when on October 6 Yuan Shih-Kai was elected President for five years. The United States and Mexico had recognized the Republic last spring.

Finally interest returns to the relations of China and Russia which were so important in both their local and international effect at the first of the year. On December 12, the Russian minister proposed the withdrawal of foreign guards now in Pe-chi-li, at Peking and Tientsin; he intimated that Russia was prepared to act alone in the withdrawal of her troops; but it is reported on December 24 that the Chinese government is urging a general agreement by the powers to this effect.

FOREIGN RELATIONS OF THE UNITED STATES

In the United States considerable interest has naturally attached to plans for arbitration; and the secretary of state in April set forth a scheme to preserve international peace. Failing settlement of a controversy by ordinary diplomatic means the matter in dispute was to be laid before a commission and pending its report troops should not be mobilized nor armaments increased by parties to the controversy. So far a large number of favorable replies have been received from various countries and seven treaties embodying this plan have been agreed on. The first with a European government, that with the Netherlands, was determined in December.

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Technically the main British difference with the United States, that regarding the Panama Canal tolls, remains as in December, 1912. But in a note of January 17 Mr. Knox argued at length, in reply to the British note of November 14, 1912, that the Panama Canal act of 1912 did not infringe the Hay-Pauncefote treaty and that as yet nothing had taken place which could be submitted to arbitration. The British reply of March 1 maintained that the enactment of the law in itself constituted a discrimination forbidden by the treaty and again proposed arbitration. Since that date no diplomatic correspondence on the subject has been published. And nothing has been said or done to modify the statements of Professor Reinsch in this magazine in his review of diplomatic affairs for 1912. Mr. Joseph H. Choate who was active, when American ambassador in England, in the negotiation of the treaty declared on December 5, 1913, that neither Mr. Hay nor Lord Pauncefote nor he had ever supposed that the treaty could mean anything but that the ships of all nations could pass through the canal on the same terms. Mr. Choate pointed out that if the law stood there would be danger that foreign nations would distrust the willingness of the United States to abide by its treaties. In the meantime on October 11 the London *Times* stated that President Wilson had been convinced "that free tolls for American shipping are a violation of treaty obligations." President Wilson commented that the *Times* was not authorized to speak for him. But on December 23 the chairman of the congressional committee on interstate and foreign commerce introduced a resolution suspending the exemption from tolls for vessels engaged in the coastwise trade of the United States, as provided in the Panama Canal act of 1912, for at least a period of two years. Subsequently this suspension might be annulled by order of the President if in his opinion diplomatic questions relating to vessels using the canal had been adjusted and if the revenues from the canal were not sufficient to defray the cost of maintenance. If this resolution should become operative the diplomatic question might be postponed for some time if not permanently.

Domestic legislation in the United States has stimulated still

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another international question. For the relations of the United States and Japan were complicated by Californian legislation as to the acquisition and holding of land. The Japanese government early in April protested to the federal authorities that the passage of a law then pending in California would involve the rights of Japanese as secured by treaty in that it forbade the owning or leasing of land for more than a year by aliens who by law could not be naturalized. The influence of President Wilson and the personal endeavors of the secretary of state secured a modification of the bill but not to a degree satisfactory either to the President or to the Japanese, for the law as signed on May 19, permitted the leasing of land by aliens ineligible to citizenship only for a period of three years. The government at Washington in reply to repeated protests has maintained that the law does not violate the treaty rights of Japanese citizens. In the meantime public opinion in Japan is still incensed, though many expressions of international goodwill have been exchanged. The admirable diplomatic temper shown on both sides is a happy augury. But aside from any question of the relations in the United States of federal authority and state legislation one of the most serious and far-reaching problems of our times is involved. For the rise of Japan and her inevitable claims to equality have given throughout the civilized world an enormous jar to the tradition of the social and political superiority so long claimed by European peoples. We shall be fortunate if, by compromise and mutual restraint, diplomacy can secure an equitable solution of a political question which is fundamentally social. For this is one of those interracial issues which in international or intra-imperial form various governments in different parts of the world have been endeavoring to elude. The problem is not made easier for Japan and for the United States in view of impending legislation in the United States as to immigration and because Japan is now enduring social changes of the greatest significance.

Because of the continued disorder in Mexico the American government has faced many delicate problems. In February a revolt against President Madero, accompanied by the desertion of his commander-in-chief, General Huerta, resulted in the estab-

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lishment of a new government in Mexico City under General Huerta as provisional president. These steps led to the death of President Madero and many Maderistas. Promptly revolts against the new authority broke out in several provinces and continued throughout the year, with increasing success in the autumn. Financial difficulties due to disorder and to the failure of General Huerta to secure sufficient foreign loans resulted in great losses and a serious banking crisis in December.

The United States has in various forms asked that hostilities should stop, that a president should be constitutionally elected, and that General Huerta should not be a candidate for the presidency. If these conditions were accepted the American government was prepared to use its good offices to gain relief for the immediate financial necessities of the government in Mexico. In any case President Wilson has refused to recognize General Huerta. These proposals have been rejected. An apathetic election took place on October 26 at which, though General Huerta was not a candidate and no president was elected, he was said to have received the most votes. Prior to this 110 members of congress had been arrested by General Huerta's orders. The new congress elected on October 26 decided on December 9 that the presidential election of October 26 was void and declared General Huerta was "president ad interim" until other elections could be held in July, 1914.

The United States has endeavored, at times unsuccessfully, to prevent the importation of arms into Mexico; and in any case the protection of foreigners in Mexico has been a difficult task. With the assistance of the United States many Americans followed its official advice to leave Mexico. And as is usual under similar circumstances the United States has attempted to protect nationals of other states as well as of our own. Warships of other nations gathered in Mexican waters to take their proper part in this matter; but Great Britain, Germany, France, Italy, and probably other nations have recognized the more immediate interests of the United States in the Mexican problem. There does not seem any official basis for questioning the sympathy of European powers in American endeavors to mitigate the difficult circum-

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stances of the situation. Indeed because of persistent press reports to the contrary Mr. Asquith, on November 10, said that there had been no friction regarding Mexico between Great Britain and the United States and that there could be no question of British intervention in the domestic affairs of Mexico. But it was perhaps open at almost any time for a foreign power to propose to the United States the landing of marines. Such a step might have involved most serious consequences. The chief fact however is that as yet no American marines have been landed to protect American or other foreign interests. But it is not unlikely that Mexican public opinion and General Huerta himself may have received the notion that American policy was not well supported at home and abroad. This would be natural, if for no other reason than the frequent criticism in the European press at large of President Wilson's policy. In the United States the best public opinion has wisely supported the President.

That policy starts with the declaration by President Wilson that the United States "will never again seek an additional foot of territory by conquest;" its object is the promotion of "orderly procedure of just government based upon law;"and its method is as yet the determination to look with favor first on "those who act in the interest of peace and honor, who protect private rights and respect the restraints of constitutional provisions."

But this policy as regards Mexico is entangled by the apparent lack of satisfactory Mexican leaders in a country sorely in need of rulership, by the existence in Mexico of large foreign financial interests, and by the essential traditions of American diplomatic history. The natural and vital interest of the United States in the constitutional stability and the economic prosperity of Mexico, our closest completely sovereign neighbor, involves also the sovereign right of the United States to decline recognition to a revolutionist who has not been even more than moderately successful. If the premium on revolutionary outbreaks can be removed by showing that a revolutionary chieftain is no longer sure of international recognition unless he can enjoy the support, legally expressed, of a proper proportion of his fellow citizens we shall have advanced a considerable way in aiding the sovereign rights of

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Latin-American countries and in the maintenance of the interests of the United States. Under these circumstances the appearance of a test of personal endurance between General Huerta, a man of Indian blood, and President Wilson whose ancestry is Scotch-Irish, is engulfed in larger issues. These may unfortunately compel, in the course of time, the extension of financial pressure by a blockade of Mexican ports, or the collection of Mexican customs by the United States navy, and even the exercise of "*le droit de voisinage.*" But hitherto the policy of infinite "patience" and emphatic statement of its underlying material principles have successfully marked the year's diplomacy.

In the meantime greater evidence of the readiness of the United States to secure the application of these principles is shown in the case of Santo Domingo and Nicaragua. A rebellion began in the Dominican Republic in October, 1912. With the assistance of the American minister peace was restored and an orderly election took place on December 15, 1913. In spite of a protest by Santo Domingo American officials as "observers" of the election lent their "moral support" to the Dominican pledge that the elections should be free. The administration of the customs has continued under American authority. In the case of Nicaragua an amended draft of Mr. Knox's rejected treaty was proposed by Mr. Bryan. It was not ratified by the senate; but its general status has apparently improved since last July when some of its novel proposals were strongly opposed. Also as an indication of policy this treaty is important since it provides for an American veto on the declaration of war, on treaties tending to give foreign states control or lodgement on Nicaraguan soil and on the contract of excessive public debt. The United States may intervene to protect the independence of the Republic, to supervise the collection of revenues, and to oversee the expenditure of $3,000,000, which the United States would pay for exclusive rights in any interoceanic canal across Nicaragua together with a ninety-nine year lease of a naval base on the Pacific coast. In other words the principles of the Platt amendment embodied in the Cuban constitution are again proposed, this time at the request of Nicaragua. Honduras and Salvador have declined similar treaties; Costa Rica

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fears the limitation of sovereignty involved; and the claim is made that such a treaty would endanger the project of a Central American Union. But under the supervision of the United States a loan of $2,000,000 by Brown Brothers and Company is planned to aid the government of Nicaragua pending the ratification of the treaty.

LATIN-AMERICAN PROBLEMS

All of these matters touch the varied foreign interests of many countries, which are soon to profit by the opening of the Panama Canal. This is clear to President Wilson as he declared on October 27 that friendly relations with Latin-American states can exist only on terms of equality. "We must prove ourselves their friends by comprehending their interests, whether they square with ours or not. It is a most perilous thing to determine foreign policy in terms of material interest—indeed a degrading thing." He hopes to further government with the consent of the governed and for their benefit, and to protect Latin-American states from those foreign concessionaires, whether American or European, whose domination is "always dangerous and apt to become intolerable." Indeed it is "emancipation from this inevitable subordination that we deem it out duty to assist."

And interest has gathered about the contracts which Lord Cowdray's firm (S. Pearson and Son) through their agent Lord Murray of Elibank (recently Chief Whip of the Liberal party) drew with the governments of Ecuador and Costa Rica. These very generous concessions were chiefly for oil, a naval fuel, which, as Mr. Churchill announced on July 17, was the sole source of energy for 137 English warships either already built or building. This implies that shortly an oil port may be the equivalent of a coaling station; and aside from Trinidad there does not seem at present to be a convenient source of this naval fuel in the British Empire. But the contracts with Ecuador and Costa Rica failed to secure ratification; and in late November Lord Murray withdrew the draft contract for another large concession in Colombia. This was "on account of political conditions which the application developed" and owing in part "to the raising of external ques-

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tions." Involved in such a contract was the possibility of the development in the Gulf of Darien of an oil port animated by British capital. And from the head of the Gulf up the course of the Atrato River is a route for an inter-oceanic canal through Colombian territory. Already on February 15 a representative of the United States had urged the Colombian government to recognize the republic of Panama; and for an option on the Atrato route and the privilege of establishing naval stations on two off-shore islands he had mentioned a payment of $10,000,000. But these negotiations had also failed.

Another phase of an even larger social problem came to the front through the action of Sir Edward Grey in referring to the United States reports as to alleged atrocities in northern Bolivia. The condition of peonage there was reported to be as serious as in the Putumayo case in eastern Peru last year. This general problem arising from the continuance of a system of "forced labor which is akin to slavery" had already led to stringent regulations by the Brazilian government to protect native labor in the service of foreign as well as domestic corporations. But the recurrence of this question and British diplomatic procedure have also raised an important political problem. This is evident in Lord Haldane's recent conception that the Monroe Doctrine "remains to be completed" by the assumption of responsibility by the United States for "securing good government and fair treatment for all those who live and trade" in Latin-America. Certainly President Wilson has not as yet assumed such a responsibility.

INTERNATIONAL CONFERENCES AND INTERNATIONAL LAW

The Institute of International Law met at Oxford in August. A manual of the *Law of Maritime Warfare* was re-drafted and adopted for submission to the governments of the world. This manual assumes that private property is liable to capture at sea; but a second manual is to be prepared based on the assumption of the immunity of such property. A volume is to be published which will contain all the bodies of rules applicable to international law which have been adopted by the Institute since its

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foundation in 1873. These rules are now scattered through the various volumes of the *Annuaire*. Unfortunately "representatives of certain nations by reason of events in the East" could not attend the meeting.

These events were perhaps also responsible for what was apparently rather a dull and confusing meeting at The Hague of the International Peace Congress. But the Palace of Peace was dedicated on August 28; and the Congress set forth a comprehensive series of fourteen questions as material for the program of the Third Peace Conference at The Hague. This Conference, proposed for 1914, in view of official statements of the Dutch foreign office on November 26, will probably not meet before 1916 or 1917. The reason given is the difficulties attending the determination of the program. On May 6 The Hague court of arbitration awarded damages amounting to $32,800 arising from the seizure by Italy of two French steamers during the Turkish-Italian war. An international tribunal for the settlement of pecuniary claims of American and British citizens held its first meeting at Washington on May 13. And throughout the year the Anglo-American committees to arrange for the celebration in 1914 of the centennial of peace between the two nations have been at work.

The International Law Association met at Madrid in October. Resolutions were adopted as to aviation which differ in some respects from the line of discussion at other conferences on this subject. Briefly the theory of full sovereignty by each state in the air space above its territory was accepted; but "subject to this right of subjacent states liberty of passage of air-craft" ought to be open to all. As we recall recent Franco-German incidents, and the last British legislation on this subject these resolutions deserve special consideration.

An international conference on the suppression of the white slave traffic met in London in June; and the governmental conference on measures for promoting safety at sea which met in November in London is still sitting on December 31. The government of the Netherlands has proposed to the United States the convocation of an international commission which, in view of the open-

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ing of the Panama Canal, should devise measures to prevent the spread of yellow fever. The proposal was favorably received. Under the auspices of the Carnegie Peace Foundation an important international commission has been investigating the conduct of the last Balkan war; but as yet it has not reported.

At Berne in May a conference of French and German socialist deputies adopted a joint resolution against militarism. The English Trade Union Congress at Manchester in September vigorously approved a German suggestion that an international labor movement could prevent war; and earlier in July the International Congress of Miners at Karlsbad discussed more concretely the idea that by stopping the output of coal war might be stopped. The attempt to lead the delegates to discuss various labor questions and ordinary strikes was frequently checked by the evident main preoccupation of the delegates, which was the prevention of war.

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THE RECENT ITALIAN ELECTIONS

AMOS S. HERSHEY

University of Indiana

Since this is the first time that the great majority of male adults have had the opportunity of exercising the franchise, the recent Italian elections constitute an event of considerable significance, and were watched with much interest in Europe.

According to the new electoral law of 1912–13, practically all adult male Italians were given the right to vote at Parliamentary elections. More specifically, this right of suffrage may now be exercised by three classes of citizens: (1) all literate male Italians who are twenty-one years old; (2) illiterates who have reached the age of thirty; (3) all who have served in the Italian army or navy, even though they have not attained the age of twenty-one. Thus the number of possible voters has been increased from less than 3,500,000 to more than 8,500,000—an addition of over 5,000,000 illiterates.

According to the previous laws of 1882 and 1895, the right to vote was restricted to literate Italians over twenty-one years of age who had received at least a primary school education or who either paid an annual direct tax of not less than 19 lira 80 centessimi (about $3.95) or certain annual rents ranging from 150 to 500 lira ($30 to $100). A premium was thus placed upon education which has now been removed; and it is estimated that, under the new law, about 70 per cent of the voters of Italy can neither read nor write.

Naturally, the method of voting must be quite simple. The elections were held on Sunday and the polling hours were from 8 a.m. to 5 p.m. for those who could not vote earlier. At the opening of the polls, the names of the enrolled electors were called alphabetically, and those answering to the roll-call were permitted to vote in order. (After midday the electors voted as soon as they

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arrived.) As the voter stepped forward, the president of the polling-place handed him a stamped envelope. At the same time the voter also received tickets from the representatives of each candidate. On these tickets, in addition to the name of a candidate, was printed a distinctive emblem such as a flower, a star, or a portrait. The voter then entered a small booth, enclosed in the official envelope the ticket of his favorite candidate, and placed it in the hands of the president who dropped it into the voting urn. An amusing feature of the election was that the electors were expressly urged to wash their hands and warned that even a finger print upon the envelope would invalidate their vote.

In Italy, as elsewhere on the Continent, there is an absence of the complicated nominating machinery characteristic of the United States. Formerly candidates were merely named and recommended by their political friends and adherents; but recently Italy has adopted a system of direct nominations by petition, 200 signatures being necessary to constitute a valid electoral petition.

To one accustomed to the flurry of a campaign in the United States, an Italian campaign must seem dull and apathetic. The greatest activity seems to have been displayed by the bill-posters who covered every available space with large placards: "Vote for Cavalier Bonzi, a man of independence and honesty; Vote for Signor Alfieri and perform your duty as citizens." There was also considerable public speaking by orators who dealt largely in rhetorical bombast or vague generalities. At these meetings there was a good deal of heckling, frequent interruption, and an occasional riot or disturbance accompanied by what the newspapers called "regrettable incidents."

The following is a record of such incidents during a single day:

At Sarno, a partisan of Hon. Abignente, in the course of a discussion with the partisan of the other candidate, M. de Falco, drew his revolver and killed his opponent—an effective way of closing an argument.

At Angri, the record showed various attacks with sticks, knives, and revolvers. Casualties, five wounded.

At Licato, sticks and revolvers were freely used with similar results.

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At Mattola, there was a violent contest between political adversaries. Much noise, but little harm done.

At Cupello, the carriage of one of the candidates, while fording a stream, was overturned. The leg of the would-be deputy was broken.

At Montescogliso, the candidate Guida was received by a shower of stones. Besides the demonstration, some carriages were destroyed, and a horse killed.

At Chiaramonte, the soldiers were forced to charge with bayonets.

At Terranova, revolvers were drawn and water turned upon the unfortunate partisans of one of the candidates.

Nevertheless, I was repeatedly assured that such "regrettable incidents" are decreasing in number, and that the Italians are becoming more and more interested in public affairs.

Upon the question of electoral corruption, opinions differ. On the one hand, I was told that there is little or no direct bribery of voters, though it was admitted that the candidates make many promises which they have neither the means nor the intention of fulfilling. On the other hand, some of my informants maintained that direct bribery is quite frequent, it being a common practice to tear a 5 lira note in two and give one-half to the voter voting and the remaining half afterward. It is also generally conceded that there is a great deal of indirect corruption in the way of treating to wine, cigars, and banquets, in subscriptions to various enterprises, in hiring bill-posters at high wages, in furnishing carriages, motor-cars, etc. There is no law in Italy limiting campaign contributions or expenditures or requiring publication of the same. One of the leading candidates assured me that the average expenditure was about 20,000 francs (nearly $4000)—a large sum for election expenses on the Continent.

Excepting the Socialists, there are no parties in Italy in the American sense of the term, i.e., there are no caucuses, conventions, direct primaries, party platforms, etc. There are party cliques, groups, or factions both within and without the chamber of deputies. The various leaders and candidates make speeches

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and issue manifestos or statements of political faith containing pledges or promises of action along certain lines.

The main feature of present-day Italian politics is the coalition of various liberal-democratic groups or factions under the leadership of the politician-statesman Giolitti. This able leader—called a dictator by his political enemies—has been premier or minister at frequent intervals during the past twenty years, and has succeeded in enlisting the support of nearly all the various so-called moderate, liberal, and progressive elements in the country, including even some opportunist Socialists.

These various liberal, moderate, and progressive coteries are usually grouped together under the name of Constitutionalists or Ministerialists. Excepting some adherents of Sonnino, they are nearly all supporters of Giolitti, and constitute an overwhelming majority of the chamber of deputies which consists of 508 members. But in the newly elected chamber the number of adherents of Giolitti has been reduced from 382 to 308. Of these there are only about a score who are followers of Sonnoni. Giolitti has also hitherto enjoyed the support of the Radicals (whose representatives have been increased from 46 to 70), of some Reformist Socialists, and even of a few Clericals.

The opposition to Giolitti's "dictatorship"—a leadership which seems to be the result of the enactment of popular measures and of shrewd political management—is made up of Socialists, Clericals, Republicans, and the adherents of Sonnino.

Excepting in the case of the Socialists and Clericals, it is extremely difficult to discover definite lines of cleavage between the various groups. There is no party in Italy which calls itself conservative. All parties, it may be said, profess to be liberal, progressive, or radical. This is even true of the Clericals who claim to be strongly in favor of certain social reforms.

During the recent campaign it was conceded by friends and foes alike that there were no real or serious live issues before the public. The main achievement upon which the government based its claims for popular support was the conquest of Tripoli (an enterprise which seems to be approved by nearly every Italian except-

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ing a few Socialists). The other measures to which Giolitti pointed with especial pride in the decree of dissolution of October 1, are: the law of 1911 providing for better primary instruction in the schools; the electoral law of 1912 establishing universal manhood suffrage; and the law of 1912 instituting a state monopoly of life insurance. According to this latter law—perhaps unique in the history of legislation—all Italians desiring life insurance are required to take out policies issued by the state or by companies making certain financial contributions to the government.

The Radicals, who are said to have dissolved their alliance with the Democratic-Liberals and other adherents of Giolitti; and who may henceforth pursue an independent course, appear to differ from the Liberals proper mainly on the following points: (1) While approving of the policy of colonial expansion, they are opposed to exploitation of the new colony by the capitalists or bourgeois class. To this end they favor a more decentralized administration, a separate colonial budget, and the creation of a colonial army consisting of voluntary native recruits. (2) They urge that military expenditures should be in proportion to the financial resources of the country. (3) They favor freer divorce—a measure which seems to be opposed by all other parties with the exception of the Socialists—and various other financial and social reforms, such as progressive income and inheritance taxes, sickness and old-age pensions, etc.

One of the most significant results of the recent election has been an increase in the voting strength of the extreme parties—the Socialists and Clericals.

As elsewhere on the Continent, the Socialists are divided into two camps—the Revolutionary or Official Socialists and the Reformist or Opportunist Socialists. The Socialistic vote of Italy has increased by leaps and bounds since 1895 when the party polled 60,000 votes and elected 12 members to the chamber of deputies. At the recent elections the Socialists polled nearly a million votes and returned 79 deputies of whom only 21 are Reformists. (The Chamber of 1909–13 contained 39 professed Socialists.) Their minimum program demands; universal suffrage for both sexes; the replacement of the standing army by a national

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militia; improved factory legislation; compulsory insurance against sickness and old age; the nationalization of mines as well as railways; the extension of compulsory education; the abolition of duties on food; the enactment of progressive income and inheritance taxes, etc.

Aside from the growth of Socialism, the most interesting tendency shown by the recent election has been the increase in the voting strength of the Catholics or Clericals who have augmented the number of their representatives from 20 to 33. This appears to be partly due to the illiterate vote in certain rural districts which are largely under clerical influence and partly the result of the changed attitude toward political activity shown during recent years by the Holy See. The *Non-Expedit* promulgated by Pius IX by which it was declared "inexpedient" that Catholics should vote at parliamentary elections has been gradually suspended until it is now virtually revoked nearly everywhere outside of Rome. Pope Pius issued an encyclical as early as 1905 making it the duty of Catholics generally to assist politically in the defence of the "social order." But such participation must be exercised under the direction of the ecclesiastical hierarchy and with the express approval of the pope. In practice this appears to mean that Clerical candidates and Catholic participation in elections is made to depend upon opportunities for political or ecclesiastical success.

As illustrations of ecclesiastical activity during the recent campaign may be cited the following communications.

> The Electoral Catholic Italian Union having received the instructions of the Holy See, firmly maintains the decisions already communicated that Catholics are to vote for General Tattara.
>
> Signed V. O. GENTILONA,
> *President of the Union.*

> Since the conditions in the Electoral colleges of Florence and of the arch-diocese are not such as to permit Catholics to go *organized* to the polls, and though motives of *dignity* and *expendiency* render advisable complete abstention from voting, nevertheless the ecclesiastical authority of the diocese, in consideration of the necessities of the moment and for

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special reasons, deems it prudent to suspend the *non-expedit* and to authorize Catholics to participate *individually* in the coming elections in favor of the candidates who represent the social order."

By MGR. MISTRANGELI,
Archbishop of Florence.

Thus it would seem that "good" Italian Catholics are expected to obey orders respecting their political duties emanating from their clerical superiors. The Holy See and ecclesiastical authorities far from abstaining from all participation in political life, appear to have entered upon a period of pronounced political activity. It is even charged that Clerical candidates are required to sign a secret pledge agreeing to obey the behests of Rome in parliament. But this charge is denied by the Catholics who maintain that the Clericals merely represent the religious interests of the people, more particularly the need for religious instruction in the public schools.

In general, it may be said that the results of the recent Italian election tend to show that the experiment of universal manhood suffrage in a country with as large a percentage of illiterates as Italy possesses is neither a brilliant success nor a hopeless failure. A large proportion variously estimated at from 30 to 50 per cent of the newly enfranchised illiterate voters abstained from the exercise of their electoral privileges, and the remainder seems to have voted largely in support of the Government.

True, the parties representing extreme views, viz.—the Socialists and Clericals—appear to have drawn some profit from the situation; but in any event, the Socialists were bound to make considerable gains, and the increase in the voting strength of the Clericals was not so great as to alarm the Liberals. The Radicals also made considerable gains, but their success is nowhere regarded as a serious menace to the existing social order. On the whole, the results show that the great bulk of the Italian nation—literate and illiterate alike—approve the liberal-democratic policies of Giolitti and his followers.

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NOTES ON CURRENT LEGISLATION

EDITED BY HORACE E. FLACK

State Budgets: The budgetary procedure of each of the states in the United States down to 1912, has been most clearly explained by Prof. G. Gale Lowrie in a document entitled 'The Budget,' published by the Wisconsin State Board of Public Affairs. Professor Lowrie shows that only a beginning in the direction of a budget has been made by any of the states and that many states have no financial methods that even suggest a budgetary procedure. However, state tax commissioners, boards of control and other bodies are working upon this question and some results are to be seen in the state legislation for 1913. Ohio, New York, North Dakota and Illinois enacted legislation which, more or less, affect budgetary methods in those states.

The new law in Ohio establishing a budgetary system provides that the various departments, commissioners and officers of the state shall report once in two years, on blanks furnished for that purpose, an estimate in itemized form to the governor, of the amount of money needed for the biennial period next ensuing.

The auditor of the state is required to furnish the governor with the following statements; a statement showing the unexpended balance to the credit of each department, institution, commission and office of the state at the end of the last fiscal year; a statement showing monthly revenues and expenditures from each appropriation account, for the last fiscal year and also the monthly revenues and expenditures from all the appropriation accounts for the same period; a statement showing the annual revenues and expenditures of each appropriation account for each year for the last four years; a statement showing the monthly average of such expenditures from each of the several appropriation accounts for the last fiscal year, and also the total monthly average from all for the last four years.

The departments, institutions, commissions and officers of the state are required, upon request, to furnish to the governor any information that may be desired upon matters pertaining to such departments, institutions, commissioners or officers.

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The governor at the beginning of each regular session is required to submit to the general assembly a budget of current expenses of the state for the biennial period, together with estimates of the departments, institutions, commissions and officers of the state.

The governor is authorized to appoint persons to examine the affairs of any spending department to ascertain the facts and to make recommendations relative to increasing the efficiency and curtailing the expense of such department: This examination is given all the legal authority necessary, in subpoenaing of witnesses and administering of oaths, to make it effective and the governor is empowered to fix the compensation of appointees and to cause the same together with traveling expenses to be paid out of the appropriations made for the executive department.

In New York, a law has been passed creating a state board of estimate. This board is composed of nine members, viz., the governor, the lieutenant governor, the president pro tempore of the senate, the chairman of the finance committee of the senate, the speaker of the assembly, the chairman of the ways and means committee of the assembly, the comptroller, the attorney general and the commissioner of efficiency and economy. The governor is the president of the board and the commissioner of efficiency and economy is the secretary. The board is to meet annually, on or before the first day of January in each year and prepare an estimate for a budget of the amounts required to be appropriated by the legislature for the conduct of the public business of the state in all its offices, institutions and departments for the fiscal year next ensuing. It is the duty of the board to examine all requests for appropriations made by any officer or department and it may hold such public hearings as it may deem desirable. When the board has made up its estimate of appropriation needed, it submits the same to the legislature with such recommendations and explanations as the board may decide upon.

It is made the duty of each officer, institution or department whose support and maintenance depends upon appropriation of money made by law to file with the secretary of the board, not less than thirty days before the beginning of each fiscal year, a detailed statement of all money required for the support of such officer, institution or department for the fiscal year together with reasons and explanations for such expenditures. The board is required to examine all such statements and requests for appropriations made to it and to grant such hearings as may be necessary.

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In making up the estimate of expenditures the board is required to include moneys needed for payment of interest upon the funded debt of the state and other obligations bearing interest and also such sums of money as may be required to be contributed for the fiscal year to the several sinking funds maintained by the state. The comptroller of the state is required to furnish to the board a detailed statement of the money needed for such purposes.

The board is also required to include in the budget presented to the legislature, an estimate of the revenues of the state which are expected to be received during the fiscal year and to make such recommendations with regard to the disposition of these revenues as may seem appropriate. The board also ascertains and reports the amounts of all unexpended balances under appropriations hitherto made by law and recommends to the legislature the disposition of such balances. This law provides one of the most effective methods of submission of estimates yet adopted. The new law, added to New York's present methods in dealing with appropriation bills, places the state in the lead in budgetary reform.

Another law, passed at the last session of the New York Legislature, establishing a department of efficiency and economy for the state of New York and providing for the appointment of a commissioner of efficiency and economy with an annual salary of twelve thousand dollars, has a direct bearing upon the methods of state finance, in that the said commissioner, not only is secretary of the board of estimate, but he is given authority to examine each office, institution and department of the state and to make recommendations touching the efficiency and economy of the work, business and service therein. He is also empowered to examine the accounts and methods of business of the several offices, institutions and departments and to demand from officers, institutions and departments detailed information with regard to the business accounts and administration pertaining thereto.

The North Dakota law establishing a so-called state budget is similar to the laws already in force in eleven other states, in requiring a fiscal officer of the state to prepare the budget. The law provides that not less than forty days before the beginning of each regular session of the legislature the state auditor shall send to the head of each administrative department and to each officer, board, or commission in charge of any institution or undertaking supported wholly or in part by the state, a blank form to be filled out by such head of department, officer, board or commission, with an itemized statement of the amount of money

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needed for the department, or institution in his charge, for the next two years.

These blanks properly filled out must be returned to the state auditor on or before the tenth of December prior to the convening of the legislature. Any person having a claim against the state which requires action by the legislature may file such claim with the auditor with statement of the fact upon which the claim is based not later than December first preceding the meeting of the legislature.

Within five days after the opening of each regular session of the legislature the state auditor must furnish the governor and each member of the legislature a tabulated statement in printed form showing the several amounts asked for; the total for each department, institution or undertaking; the grand total and a brief explanation of the purpose of, or the reason for, each proposed appropriation. Such tabulated statement must also be accompanied by a statement showing the estimate of income from every source and such other data as the auditor may deem necessary and proper for the full understanding of such tabulation.

Changes in budgetary procedure in Illinois are effected by the creation of a legislative reference bureau at the last session of the legislature. This bureau is authorized to prepare and distribute to the members of the general assembly a detailed budget of the appropriations which the officers of the several departments of the state government report to it as needed for their respective departments for the two year period for which appropriations are to be made by the next general assembly, together with a comparative statement of the sums appropriated for the same purpose by the last general assembly.

The officers of the several departments are to make duplicate reports of the financial needs of their departments and file such reports, one with the governor and one with the secretary of the legislative reference bureau. The budget will be considered and reported upon as hitherto by the committee on appropriations which is appointed by the speaker of the house and the president of the senate.

In Wisconsin the state board of public affairs makes up the budget upon the estimates submitted to it by the various departments. In connection with this function the board is gradually working out more scientific methods of budgetary procedure.

In California the state board of control, created in 1911, was empowered, in a general way, to make recommendations to the legislature regarding the needs of the different institutions and departments of the

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state. Acting under this power the board of control prepared and submitted to the last legislature, a budget for the fiscal year 1913 and 1914. The recommendations of the board of control were accepted in their entirety, although some additional appropriations were also made by the legislature. Attempts were made to secure legislation which would more completely place the budget in the hands of the board, but no new legislation in this direction was enacted. The board, however, with such power as it possesses, plans to develop a still more efficient method in its next report to the legislature.

Oregon passed in the last legislature, probably, the most comprehensive budgetary law yet enacted by any state of the Union. This law not only provides that financial reports be filed with the secretary of state by all state officers, departments, boards, commissions and institutions, which shall give in detail the amounts appropriated for the current and next preceding biennial period; which shall give the amounts needed for all the departments of the state government for the ensuing biennial period, with reasons therefor; and which shall give an estimate of the probable revenues from all sources for the ensuing biennial period, arranged in detail by classifications and appropriate summaries; but the law also provides for the classification of the needs of the various departments under four headings: (a) Current expenditures; (b) Permanent improvements; (c) All other expenditures; (d) Contingencies.

The secretary of state is empowered, on or before December 15, of each even year, to prepare, upon the basis of the reports submitted to him, a budgetary statement of the several amounts asked for, together with the reasons therefor; the total for each department, board, commission, institution or undertaking, and the grand total. The statement must also contain the estimates of income for the fiscal period. The secretary of state is required to submit this tabulated statement to the members of the legislature and to the governor. The governor, then, is obliged to transmit the statement to the legislature with such recommendations as he may deem proper.

FRANK A. UPDYKE,
Dartmouth College.

State Purchasing Agent: Improved business methods in connection with state affairs are being rapidly adopted by the various states. The creation of state purchasing agents is one method. The legislatures of New Hampshire and Vermont recently created such an office. In New

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Hampshire this office was provided for in a new law which created a board of control to have supervision of all state eleemosynary institutions. This board of control is made up of the governor, the secretary of the state board of charities, the purchasing agent and two other persons appointed by the governor.

The purchasing agent is appointed for three years by the governor and receives a salary of three thousand dollars. He has power to make contracts for and to purchase all supplies and materials needed by the eleemosynary institutions of the state, or by the various state departments, including equipment of any buildings at any state institution. He also purchases all clothing and wearing apparel or materials therefor, provided by the state for inmates of certain institutions.

The board of control acts with the purchasing agent in the matter of construction of new or the repair of old buildings. The board of control may direct that the agent submit to competitive bids any purchases where the amount exceeds two hundred dollars. Provision is made in the law with respect to character of contracts and requirement of bond of contractor. The purchasing agent in conjunction with the state auditor is authorized to require state institutions to adopt a uniform system of accounting for supplies and materials.

The governor and council in their power to organize the board of control has established in detail the methods that shall govern the board and the purchasing agent. The purchasing agent is required to obtain from the seller of goods triplicate bills, one of which is to be delivered to the head of the institution or department on whose account the goods are purchased, one is to be delivered to the state auditor while the third bill is to be retained by the agent. The auditor must give notice of any error which he may discover. The institution or department must report to the purchasing agent the delivery of the articles so purchased, and as to whether they comply with the specifications and are otherwise satisfactory. Upon receipt of this information the purchasing agent shall pay the bill and charge the amount to the department or institution using the goods. The purchasing agent has advanced to him twenty-five thousand dollars as a working capital with which to pay for goods.

The law of Vermont is similar to that of New Hampshire. The state purchasing agent is appointed by the governor with the consent of the senate. He holds office for two years and receives twenty-five hundred dollars per year. He is empowered to contract for and purchase all fuel, water, light, provisions, supplies, material and equipment, including sup-

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plies and materials for the construction and equipment of new buildings, used in connection with the various state institutions and for all state departments and officials.

He is also authorized to purchase clothing and wearing apparel for the inmates of the public institutions. When there is need of materials or supplies in excess of $500, for any institution or department, the purchasing agent is required to advertise for sealed proposals to furnish such materials. The purchasing agent makes such requisition as may be necessary from time to time upon the auditor of accounts, for the necessary funds to carry out the provision of the act. He is required to render an account monthly to the auditor of all expenditures of his department for the preceding month. He is obliged to give a bond to the state of $20,000 with sureties approved by the governor; and to report biennially to the general assembly a detailed account of all contracts made by him, the name of the party with whom, the purpose for which they were made and the amount paid on each contract. He must also render a detailed statement of all the supplies, provisions, materials and equipment funished the several institutions, departments and officials and an inventory of all property belonging to the state at the several state institutions and state departments under his control on the first day of July preceding the biennial session of the legislature. The provisions of the act do not apply to the military department and the Soldiers' Home.

FRANK A. UPDYKE,
Dartmouth College.

Efficiency and Economy in State Government: In a number of States important investigations have recently been made, or are now under way, with a view to securing greater efficiency and economy in state administration. In most instances, emphasis is being placed on the organization and consolidation of the heterogeneous and confusing list of state boards, bureaus and commissions, as a necessary preliminary step towards an efficient and economical management of state business.

The New Jersey economy and efficiency commission was established in 1912, to consider methods for consolidating different departments of the state government whose duties are intimately related. It consists of two members of each House, and three citizens, appointed by the governor, all serving without salaries. The work of this commission was discussed at a conference called by the New Jersey Chamber of Commerce in December.

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Early in 1913, Governor Sulzer of New York appointed three citizens as a committee of inquiry, to make an investigation of the expenditures of the State. The report of this committee, dated March 24, 1913, analyzed the appropriations and estimates for appropriations, with recommendations for large reductions in the appropriations and also for important legislative measures for the consolidation of related bureaus and the establishment of a permanent department of efficiency and economy. No important results have thus far followed this report; but a similar committee has been continued by Governor Glynn.

A joint resolution of the Pennsylvania general assembly of 1913 provides for an economy and efficiency commission of three members, to be appointed by the governor, to investigate the various state offices, bureaus and commissions and to recommend changes to secure greater uniformity, economy and efficiency. The members of the commission are each to receive an annual compensation of $3,000; and the total appropriation for its work is $10,000. Appointments had not been made at the end of December.

In Illinois a more thorough investigation has been authorized by a resolution of the general assembly, providing for a joint committee, four members from each house, to investigate all departments of the state government, for the purpose of combining and centralizing the duties of related boards and commissions. Prof. John A. Fairlie of the University of Illinois has been appointed as director in charge of this investigation.

The governor of Minnesota has appointed a commission of seven citizens to conduct a similar investigation in that State. Prof. John H. Gray of the State University is a member of the commission; and Prof. E. D. Durand, formerly director of the United States census, has been appointed to take charge of the investigation.

In Iowa, under a joint resolution of the general assembly, the joint committee on retrenchment and reform was authorized to employ expert accountants and efficiency engineers to examine into the conduct and expenditures of the various state offices, boards and commissions and to recommend legislation and appropriations. Some interim reports have been presented; and the complete report is expected to appear shortly.

The South Dakota legislature provided for a committee to investigate state offices, departments and institutions. This investigation has been under way for some time; and seems to be directed towards the methods of the existing offices and departments, with little or no reference to possible changes by reorganization and consolidation.

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Workmen's Compensation:[1] Several States enacted new laws during the year 1913 covering the whole subject of employers' liability and workmen's compensation, while in others important amendments were made.

Connecticut.[2] The Connecticut law is voluntary on the part of both the employer and employee, and when the act is accepted by both, the employer shall not be liable for damages on account of personal injury of any employee, but shall pay compensation in accordance with the provisions of the act. No compensation, however, is to be paid when the injury is caused by the wilful and serious misconduct of the injured employee or by his intoxication. The act became effective October 1, 1913, and provides for the appointment of five compensation commissioners, one from each congressional district, for a term of five years. Each commissioner must reside in the district for which he was appointed and provision is made for the maintenance of an office in each district. Each commissioner has jurisdiction of all questions and claims arising in his district. The five commissioners acting together may adopt and change such common rules, procedure and forms as they may deem expedient. They are also to submit an annual report of their doings, with such recommendations as they think proper. The salary of each commissioner is $4000.

The usual procedure in regard to voluntary compensation laws is reversed, in that acceptance of the law, both by the employer and employee, is conclusively presumed, unless either employer or employee shall by written stipulation in the contract or by written notice from either employer or employee to the other party and to the Compensation commissioner of the district in which the employee is employed. Every employer who refuses to accept the act is liable for damages on account of personal injury to his employees, and in such actions, the old common law defenses of contributory negligence, fellow-servant, and assumption of risk cannot be used. A feature not found in many of the laws is that providing that when an injury is sustained under circumstances creating a legal liability in some other person than the employer, the injured employee has the option of claiming compensation under the act or proceeding at law against the other party to recover damages. If he claims under the act, the employer is subrogated to

[1] *See* THE AM. POL. SCI. REV. for November, 1911, and May and August, 1913, for the analysis of other laws on this subject.

[2] Laws of 1913, approved May 29, 1913.

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the rights of the injured employee to recover against the third person, but if greater amount is recovered by the employer than was paid to the employee, such excess, less the expense of the suit is to be paid to the employee.

It is made the duty of the employer to provide a competent physician or surgeon to attend any injured employee for the thirty days immediately following the injury and also to furnish such medical or hospital service during the thirty days as the physician may deem reasonable or necessary. The pecuniary liability of the employer for medical and hospital service is limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when paid for by the injured persons.

There is a waiting period of two weeks during which no compensation is paid, but if the incapacity extends beyond that period, compensation is to be paid as follows: For partial incapacity, 50 per cent of the loss of earning capacity, not exceeding $10 per week for a period of not more than three hundred and twelve weeks. For certain specified injuries, one-half of the average weekly wage is to be paid for a definite time, as follows: for loss of one arm, 208 weeks; for one hand, 156 weeks; for one leg, 182 weeks; for one foot, 130 weeks; for hearing in both ears, 156 weeks; for hearing in one ear, 52 weeks; for one eye, 104 weeks; for a thumb, first finger, or great toe, 38 weeks; for a second finger, 30 weeks; for a third finger, 25 weeks; for a fourth finger, 20 weeks; and for a toe, 13 weeks. For total incapacity, there is to be a weekly payment equal to one-half of his average wage, not less than $5 nor more than $10, during the period of total incapacity, but in no event for more than ten years. The following injuries are to be considered as causing total incapacity: loss of both eyes, both feet, both hands, one foot and one hand, permanent paralysis of the legs or arms or of one leg and one arm, and any injury resulting in incurable imbecility or insanity. For fatal injuries (if death results within two years), $100 is to be paid for funeral expenses and 50 per cent of the average weekly earnings to those wholly dependent upon the deceased employee and a proportionate amount, according to the measure of dependence, to those partially dependent, but in no case more than $10 nor less than $5 per week nor for more than six years. A wife (or husband) and children under eighteen years of age (or over eighteen years if physically or mentally incapacitated from earning) are conclusively presumed to be totally dependent. The dependence of the widow or widower ceases on remarriage and that of a child, unless physically or mentally incapaci-

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tated, on becoming eighteen years old. In all other cases, questions of dependency, total or partial, are to be determined in accordance with the facts at the time of the injury. Alien dependents, unless residents of the United States (or its dependencies) or Canada, are to receive only one-half the amounts stated above. In case there are no dependents, $750 is to be paid to the State Treasurer to be used for the payment of the lawful expenses of the compensation commissioners.

The employer is required to report to the commissioner all accidents sustained by his employees which result in incapacity for one day or more. The act contains the usual requirements as to notice of injury before making claim for compensation, medical examination, etc. An agreement made by an employer and injured employee as to the compensation to be paid has the same effect as an award by the commissioner, if it has been submitted to the commissioner and approved by him as conforming to the provisions of the act. Every agreement thus approved must be filed in the office of the court clerk, a copy thereof retained by the commissioner and delivered to each of the parties. In case there is no agreement in regard to the compensation to be paid, either party may notify the commissioner, who shall provide for a hearing, with due notice to both parties. The hearing shall take place, if practicable, in the town where the injured employee resides. The commissioner is not bound by the usual rules of evidence or procedure, but the rules of equity shall govern, where possible, in order that the substantial rights of the parties may be ascertained. The commissioner is to send to each party a written copy of his finding and award, and if no appeal is taken to the supreme court within ten days, the decision of the commissioner becomes final.

With the approval of the state insurance commissioner, an employer may enter into an agreement with his employees to provide a system of compensation and insurance in lieu of that provided by the act, but such substitute system shall not be approved unless it confers benefits equal to those provided by the act, nor shall it be approved if it contains an obligation on the part of employees to join in it as a condition of employment. If contributions are required from employees, it is not to be approved unless provision is also made for conferring additional benefits commensurate with such contributions. Every employer subject to the act who fails to furnish the commissioner satisfactory proof of his solvency and ability to pay directly the compensation provided by the act, must insure his liability either by filing with the insurance commissioner sufficient security or by insuring in stock or mu-

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tual companies authorized to take such risk in the state. Provision is made for the formation of employers' mutual insurance associations, subject to the approval of the insurance commissioner, both as to the formation of such association and as to the policies to be issued.

Oregon:[3] The law of Oregon was adopted under the initiative and referendum and was filed with the secretary of state, February 25, 1913. It creates a state industrial accident commission, consisting of three members to be appointed by the Governor for a term of four years, at a salary of $3600 per year. Not more than two of the members can belong to the same political party and their entire time must be devoted to the duties of the office. The commission is limited to an annual expenditure of $25,000 for assistants, experts, etc., in the administration of the act. The commission has the usual powers necessary to make rules, require reports of accidents, etc.

The act applies to all employers engaged in certain specified hazardous occupations and their employees, but any employer may be relieved of certain of the obligations imposed by the act and lose the benefits conferred by filing with the commission a written notice that he does not accept the act. The employees may exercise the same option in the same manner. If any employer engaged in a hazardous occupation elects not to accept the act, he cannot make use of the common law defenses of fellow servant, contributory negligence or assumption of risk in actions for damages on account of injuries to his employees.

The act creates an industrial accident fund to be held by the state treasurer and appropriates $50,000 as a part of the fund. Every employer subject to the act is required to retain one-half of one per cent of the monthly earnings of his employees (not less than twenty-five cents for each employee) to be paid to the commission. The employer is required to pay six times the amount so retained out of the earnings of his employees, all of which is to constitute a part of the industrial accident fund. One of the unusual features of the act is that the State is to appropriate annually a sum equal to one-seventh of the amount paid by the employers and employees, but the salaries and expenses of the commission are paid out of the fund. The circumstances under which contributions by employers and employees may cease are set forth, these being to the effect that there must be sufficient funds in the accident fund to make further contributions unnecessary until the payments for injuries make it again necessary to contribute.

[3] Laws of 1913 (H. B. 27).

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Compensation is to be paid as follows: In case of death, $30 per month to the surviving spouse throughout life or until remarriage, and $6 per month to the surviving spouse for each child of the deceased under sixteen yers of age, until it reaches sixteen years of age, but this monthly payment in no case to exceed $50. Upon the remarriage of the widow, she is to receive a lump sum of $300, but the payments on account of the children shall continue as before. If there be no surviving spouse, there shall be a monthly payment of $15 for each child under sixteen years of age, but the total monthly payments are not to exceed $50. If there be no surviving spouse or child, but dependents, there is to be a monthly payment equal to one-half the average monthly support received by such dependent or dependents from the deceased, but the total monthly payments to all dependents not to exceed $30. If the deceased was under twenty-one years of age and unmarried, his parents are to receive $25 per month until the time at which he would have arrived at twenty-one years of age, but thereafter the parents are entitled to receive compensation as dependents (30 per cent of the average monthly support actually received from the deceased).

For permanent total disability, a monthly payment of $30 is to be paid to the injured employee if unmarried, and an additional monthly payment of $5 if married, and $6 for each child under sixteen years of age, but in no event more than $50 per month. Permanent total disability is defined as being the loss of both legs, both arms, one leg and one arm, total loss of eyesight, paralysis or other conditions permanently incapacitating the workman. If the disability is partial or temporary only, the payments are to be in proportion to the loss of earning power for a period not exceeding two years.

Permanent partial disability is defined as the loss of one arm, one hand, one foot, one eye, hearing in one or both ears, and one or more fingers, and a monthly payment of $25 is to be made for the period specified in the act for each of these injuries; for example, for eight years for the loss of an arm. In all other cases of injury, not specified, compensation is to be paid for proportionate periods, not exceeding eight years, according to the disability produced. If the injury or death is intentionally caused by the workman, no compensation is to be paid, but if the employer deliberately intends to cause the accident, the injured employee (or dependents in case of death) has the privilege of receiving compensation under the act and also right of action against the employer as if the act had not been passed. The commission is authorized to provide transportation, medical and hospital services for

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injured workmen at an expense of not more than $250 in any one case. If the injury is due to the failure of the employer to maintain such safeguards or safety devices as required by law, the employer may be proceeded against in the same manner as when he defaults in making payment to the accident fund.

There is the usual provision found in many of the laws to the effect that the compensation to be paid is not subject to assignment before its receipt nor subject to execution or attachment. The act also contains the usual provisions as to giving notice of accident, filing application for compensation, medical examination, etc., but the act confers somewhat broader powers on the commission than is usually the case, for it is given the power to examine the books, records and payrolls of all employers subject to the act at all times, with severe penalties for refusal. Any employer and his workmen engaged in employments not defined in the act may accept it by filing with the commission their written election to that effect. An appeal lies from the decision of the commission to the circuit court.

West Virginia.[4] The West Virginia law is not limited to a specified class of industries defined as hazardous, as is the case in a number of laws, but extends to all employers except those having domestic servants or farm laborers. The law is somewhat unusual in that it does not create a special commission to administer it, but imposes this duty on the public service commission which was created at the same session of the legislature. It is made the duty of the commission to establish a workmen's compensation fund out of premiums to be collected from the employers. The act classifies a large number of industries and authorizes the commission to classify and place in one of these classes all the other industries. The commission is given the further power to re-classify the industries on or before the beginning of each year, and to determine the risk and fix the rates of premium for each class. The premiums are to be sufficiently large to provide an adequate fund, but the rate shall not exceed one dollar on each one hundred dollars of gross annual payroll, 90 per cent of the premiums to be paid by the employers and 10 per cent by the employees. The employers are authorized to deduct from the pay of their employees the percentage of the premiums to be paid by them, but not less than five cents per month, for which a receipt must be given. The state treasurer is the custodian of the fund which is to be paid out only on order of the com-

[4] Laws of 1913, ch. 10.

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mission. Any employer subject to the act who pays the premiums fixed by the commission is relieved of all liability for damages for the injury or death of any employee. Typewritten and printed notices to the effect that he has elected to pay the premiums into the workmen's compensation fund must be posted in conspicuous places by the employer. The commission is directed to disburse the fund to the injured employees (or their dependents) of employers who have paid the premiums fixed by the commission. In addition to the award to be made on account of injury, the commission is authorized to pay for the medical and hospital services, not exceeding $150 in any case, and not exceeding $175 for funeral expenses. No compensation is to be given if the injury was self-inflicted or due to the wilful misconduct or intoxication of such employee. There is a waiting period of one week, during which no compensation is to be paid except for medical or hospital services.

The compensation to be paid for injuries is as follows: For temporary or partial disability, the employee is to receive 50 per cent of the impairment of his earning capacity, not less than $4 nor more than $8 per week, for not more than 26 weeks. For permanent total disability, the weekly payment is to be 50 per cent of the average weekly wage, not exceeding $6 nor less than $3, during the life of the disabled employee. For death within ninety days of the injury, a monthly payment of $20 is to be made to the widow or invalid widower, until she (or he) dies or re-marries, and in addition, $5 per month for each child under the age at which it may be lawfully employed, but the total payment not to exceed $35 per month. There are provisions as to other dependents, but if there be no dependents, only the medical and hospital and funeral expenses are to be paid. Non-resident aliens are not excluded, but may be represented by their consular officers, and in this particular the West Virginia law is more liberal than most of the laws on this subject.

The commission is authorized to commute the periodical payments to one or more lump sums, as well as to make modifications in their previous orders as may seem justified. The decision of the commission is final, but an appeal may be taken to the supreme court in case the decision denies the right of the claimant to participate in the funds on the ground that the injury was self-inflicted or did not arise in the course of employment, or on some other ground going to the basis of the claimant's right. The commission is not bound by the usual rules of evidence or procedure, but is authorized to make investigations in

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the manner best calculated to secure the rights of the parties. In making its annual report, it is made one of the duties of the commission to make recommendations which it deems proper. The act abolishes the common law defenses of assumption of risk, contributory negligence, and fellow-servant, thereby providing the incentive for inducing employers to accept the law. The act became effective October 1, 1913.

HORACE E. FLACK,
Department of Legislative Reference
of Baltimore, Md.

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CURRENT MUNICIPAL AFFAIRS

ALICE M. HOLDEN

Secretary of the Municipal Research Bureau, Harvard University

Last April the mayor of Cambridge appointed an advisory charter commission, chosen to represent every element, political, social, and industrial, in the city for the purpose of suggesting improvements to the existing charter, either in the way of amendment or substitution of an entirely new charter. The charter now in force was adopted in 1846, it was considerably amended in 1891, and it has had spasmodic changes ever since—with the result that the present document is completely out of date and not in accord with the practice general in Massachusetts cities. In 1911 a commission-government charter was defeated at the polls and, somewhat modified, will probably be submitted at the same time with the charter which has just been drafted by the commission.

The proposed new charter is designed to meet certain defects now existing, and to answer the particular needs of Cambridge. Its main points may be roughly classified under three headings: (1) the separation of legislative and administrative functions; (2) the consolidation of departments; (3) the adoption of direct legislation and the recall. The bi-cameral council is removed and the new city council is to be composed of seventeen members, six elected at large and one from each of the eleven wards of the city. The other elective officers are the mayor, one member of the board of assessors and one or two members of the school committee every year, each to serve for a three-year term. All elections are annual. The present twenty-eight administrative departments are reduced to fourteen, and these consist of five large, working departments —public works, public safety, public buildings, public health and public grounds—and the smaller departments of hospitals, finance, assessors, law, city clerk, election commissioners, overseers of the poor, schools, and city planning. Each of the five large departments is under a director who is appointed by the mayor, without confirmation, and who is subject to removal by him at any time or to recall at any election. The term of appointment for these directors is three years, except in the case of the director of public safety, where it is five years. All appointments

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within departments are made by directors in charge. The city council is given large powers: it makes all appropriations and loans; it determines by ordinance all salaries, all duties of departments, and all regulations regarding licenses and permits. It may not, however, increase the number of city departments.

The recall applies to directors of the five large departments and may be instituted upon petition of 20 per cent of the total number of votes cast for mayor at the preceding annual election. Initiative petitions require signature by 20 per cent for submission at a special election and by 10 per cent at a general election; the percentage needed for a referendum is fifteen.

The date of city elections is changed from March to December, and the fiscal year is made to correspond to the calendar year. It is provided that the financial accounts of the city shall be published each year. The heads of departments, city engineer, superintendent of streets, city treasurer, city auditor, clerk of supplies, assistant assessors and election officers are exempted from civil service; but all other appointees and employees are under civil-service regulations. The charter will be submitted to popular vote in November.

Charter-revision is expected in Seattle during the coming year. The city council has voted to submit at the polls the choice of a freeholders' commission of fifteen, who shall frame a new charter for submission to the people. In connection with the election of the charter commission, the voters will also be asked to decide on the general question of the adoption of commission government.

The formal dedication on November 5 of the Los Angeles aqueduct marks the completion of the great task of supplying, beyond any probable increase in population, adequate water for all purposes. Nine years ago the city found itself in danger of water famine owing to the steady increase in population and it was found necessary to seek a greater supply than that furnished by the Los Angeles River. The water-shed on the eastern side of the Sierra Nevada Mountains, 250 miles away from Los Angeles, was used for this supplementary supply, which is carried over a steel and concrete water course to the mouth of the aqueduct, 25 miles northwest of the city. This immense work has been carried on by day-labor under the direction of the city's engineers with the exception of one small piece of contract-work, with a considerable saving estimated on the basis of the cost of work done by contract. The cost of construction was

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estimated at $23,000,000, with an additional $1,500,000 to provide for the purchase of lands and water rights. This amount has not been exceeded although unforeseen demands have been made on it. It is interesting to note that the system of bonus payments was used wherever possible.

The Los Angeles aqueduct is primarily a water-works system; but it also is a power plant furnishing 120,000 horse power for factories, illumination, etc.; and, furthermore, it furnishes the means of irrigating, with the surplus water supply, more than 200 square miles of arid land near the city. The amount of water made available by the aqueduct is ample for the needs of 2,000,000 people—from 260,000,000 to 300,000,000 gallons per day. The population of Los Angeles is estimated to be at present somewhat over 450,000 inhabitants. The advantages accruing to the city and its people from this undertaking can hardly be overestimated from any point of economic good. Apart from the material side of the enterprise, it has a most remarkable feature in the total absence of politics from the whole affair. This is attributed to the great personal interest and pride which was felt in it by every citizen, to the full publicity given in the newspapers to all details, to the working of civil service in connection with the aqueduct bureau and, finally, to the determination on the part of the engineer-in-charge and of the voters that no political influences should in any way interfere with the work.

Announcement is made that the National Municipal League will offer next year a prize of $250 for the best essay on a subject in municipal government, the competition to be open to graduate students. A committee of the League consisting of Messrs. Munro of Harvard, Rowe of Pennsylvania, and McBain of Columbia, has been appointed to formulate conditions governing the competition. The League already offers a prize of $100 in a competition open to undergraduates.

That a feeling of responsibility in regard to civic conditions and their improvement is becoming the rule among the larger universities and colleges of the country makes itself more noticeable each quarter. This is evident not only in the establishment of municipal reference bureaus in connection with these institutions, but also in their curricula and, especially, in the work which is being offered by the various extension departments. For example, a new municipal reference bureau has been organized by the University of California, to help solve municipal problems in that state. It will furnish advice on practical problems as well

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as on those of a theoretical nature: as, for instance, on the question of paving, a full supply of information will be placed at the disposal of officials covering such points as the best material to be used under certain conditions, etc., as shown by experience elsewhere. Likewise, the extension department of the University of Oregon has undertaken to coöperate with the various boards and officials of municipalities and towns in the state, so that the most reliable information and efficient methods may be furnished every public official. The department aims also to coöperate with different civic and welfare organizations in planning social betterment, and with the financial officers of communities for more uniform accounting systems.

The University of Kansas, through its extension division, has arranged to offer a course of lectures on fire protection open to members of fire departments in the municipalities of the state of Kansas. To this end the University is coöperating with the state fire marshals. A special feature of the lectures will be instruction in the latest methods of fire protection. It might be mentioned here that the work for civic and social betterment undertaken by the extension division includes not only a municipal reference bureau to collect data on municipal topics, and to supply information to city officials and others, but it also issues popular lectures and bulletins on such subjects as commission government, problems of city government, city sanitation and epidemics, playgrounds and parks, the recall of judges, etc.

At the State University of Iowa special attention is being given by the department of political science to all modern methods of government. One of the new courses is on county and township government. There has been established at the University of Kansas what is probably the first professorship of child welfare, and the chair will be filled by Prof. William A. McKeever. A course of lectures on housing and town planning is to be given during the coming half-year at Swarthmore College by Dr. Carol Aronovici.

The bureau of municipal research and reference, which was established at the University of Texas in June, 1913, has set itself the task of solving some of the difficult problems which confront the cities of Texas. To this end, the work of the bureau is proceeding in two directions: first, in the collection of material relating to city government in this country and abroad, to be placed at the disposal of those desiring to make use of it; and, second, the publication of bulletins giving information on municipal matters which might be helpful to cities. In this latter category is a pamphlet on *A Model Charter for Texas Cities*, by Dr. Herman G.

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James, director of the bureau, which forms Bulletin No. 316 of the University of Texas, Municipal Series No. 1. This model charter provides for the election of five unpaid commissioners, who shall appoint a mayor as chief executive officer of the city. The mayor, who is to be chosen from applicants on the basis of administrative qualifications, will of course be the "city manager" and is to be responsible to the commission. All appointments are to be made by him, as well as all removals. The charter includes provisions for preferential voting and direct legislation and the recall.

Two instances of coöperation between universities and civic organizations are interesting. In Scranton, Pa., the board of trade has guaranteed a sufficient number of scholarships to enable the Wharton School of Finance (University of Pennsylvania) to establish a branch in the city. The board has given the use of its rooms for the school and has secured the larger part of the enrollment, which is now a little over two hundred and more than twice the number guaranteed. The purpose for this venture is the securing of better and more advanced business training for the young men of the city who cannot afford to go elsewhere to obtain it and, in that way, to ensure "a greater economic efficiency for the entire community in years to come."

The second example is furnished in the plans for coöperation between the faculty and students of the University of Syracuse on the one hand, and the chamber of commerce and city administration on the other. This scheme is to be similar to the affiliation between the University of Cincinnati and the last municipal administration in that city.

There is strong indication that the famous city council of Newport, R. I., will be considerably reduced in size during the next year or so. The council at present numbers 195 and, if the present agitation succeeds, it will be diminished to a membership of 25. A similar movement, though on a smaller scale, is taking place in the city of Providence not only to decrease the number of councilors from 40 to 20, but also to increase the responsibilities of the council.

Recent figures have brought out the fact that the annual loss by fire in this country and the correspondingly high cost of fire insurance should bear their full responsibility in maintaining the high cost of living. It is claimed that this annual fire waste in the United States is about $250,000,000—the equivalent of a yearly tax of $2.50 on every man, woman and

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child in the country. And this figure includes only the loss on buildings and their contents. If the total loss from fires, excluding forest and marine losses, but including cost for protection and premiums on insurance, were considered, it would ammount to over $400,000,000 per annum. This immense sum represents an absolute loss and brings benefit to no one. Insurance against fire averages to cost, in the United States, approximately 1 per cent of the policy value, or one dollar per hundred, with the present rate of annual loss by fire. In the countries of Europe the fire waste is about one-tenth as great and the rate on insurance varies accordingly. Faulty building construction and lack of adequate care and knowledge in preventing fires is alleged to be the cause of the larger part of this enormous waste.

The fire commissioner of Boston is perfecting a scheme for the numbering of fire alarm boxes so that there will be less confusion in identifying signals on the occasion of fires. The plan adopted will involve a complete re-numbering of all the boxes in the city. It is intended to divide the city proper into two sections, and then to sub-divide these two sections into districts. Each district will have its own guide number, which will be sounded first of all when an alarm is rung in. In this way all alarms in a certain district would start with the figure two, in another district with three, etc. All buildings and institutions having private boxes will be given district numbers like any other box.

The *First General Ledger Report* (January 1, 1913) has been issued by the city of Cleveland and gives the results of the work of the city auditor during the year 1912. This represents a new departure for municipal accounting, offering as it does, for examination by the people, an exact account of assets and liabilities, together with the figures of the actual unit and per capita cost of operation in the different departments of the city.

The *Fifth Annual Report on the Statistics of Municipal Finance* of Massachusetts for 1910, just issued by the Massachusetts bureau of statistics, deals with the increasing tendencies shown by the cities of that state toward accounting reform.

Another document relating to Massachusetts municipalities is the *Annual Report of the School Committee of* Newton, Mass. (1912, pp. 151). This report presents a very thorough analysis of the cost of public schools according to the different grades and compares this cost in Newton with that in other cities and towns of Massachusetts.

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The nineteenth annual meeting of the National Municipal League and the twenty-first national conference for good city government was held on November 11 to 15, at Toronto. The papers presented included the annual *Review* by the Secretary of the League, Hon. Clinton Rogers Woodruff; the presidential address on "Public Opinion," by Hon. William Dudley Foulke; "The Status of Liquor License Legislation," by John Koren of Boston; "The Model Municipal Court," by Herbert Harley of Chicago; and "The Actual Operation of the Oregon System," by Richard W. Montague of Portland. One session was devoted to a consideration of Canadian city affairs and there were papers as follows: "Ontario Municipal Methods," by Hon. W. J. Hanna; "Ontario's Publicly Owned Hydro-Electric System," by Hon. Adam Beck; "Economic Housing in Toronto," by G. Frank Beer; and "St. Lawrence River and Great Lakes—Harbors and Navigation," by F. S. Spence. There were also reports of various committees of the League.

According to a list recently compiled, fares charged on street railways in eleven cities of the United States are less than 5 cents each. In two Canadian cities also, Ottawa and Vancouver, six tickets are sold for 25 cents. The lowest fare is the 3-cent rate found in Cleveland, while 8 tickets for 25 cents are sold in Columbus, Ohio, in Port Huron, Mich., on one road in Milwaukee, and during certain parts of the day in Detroit. A rate of 6 tickets for 25 cents, and in some cases a greater reduction during business hours of the day, is charged in Akron and Dayton, Ohio, in Indianapolis, in Green Bay, Wis., and in Kalamazo, Mich. A 3-cent fare is in force in Toledo while the traffic is heaviest, and 6 tickets for 25 cents are sold during the remainder of the day.

Recent figures seem to prove beyond doubt that in England undertakings for the manufacture and supply of gas can be run by small local authorities with profitable results. The lastest case of this is shown by the Selby urban district council, which purchased its gas works twenty years ago. In all about £40,000 has been expended on the undertaking. The financial results are these: the whole amount of the capital has been repaid out of revenues and also approximately £3000 has been appropriated at various times for the relief of taxes. In the matter of service, there has been a reduction from 3s. 6d. to 2s. 3d. per 1000 cubic feet for lighting and of 1s. 6d. to large power consumers. During the last fiscal year the total output of the gas plant was 51,477,300 cubic feet, the total revenue was £8818, the working expenses £6018, and the capital charges

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£1077. From the net revenues the sum of £700 was appropriated for tax relief and £644 for "works of a capital nature."

The city of Dresden has been authorized to issue a loan of $17,850,000 to cover the cost of comprehensive municipal improvements and undertakings which the city is contemplating. This will include the enlarging of different municipal plants, as, for example, the gas, electricity and water works, the street-car system, and the slaughterhouses of the city. Part of the money will be used also for the purchase of land, the erection of hospitals, and the building of a waste weir and a new bridge over the Elbe.

The doctrine of the municipal ownership of public utilities gains converts in this country from time to time, as is shown just at present in the case of the cities of St. Louis, Cleveland and Houston. In the new charter which is being drafted by the board of freeholders for St. Louis municipal ownership of public utilities is to form one clause. This will extend to the ownership of street railways, subways, gas and electric lighting plants, laundries and lodging houses. The charter will be voted on next autumn. That this action in St. Louis is not out of accord with the practice of other municipalities in the state is brought out by the facts printed in the recent *Report of the Missouri Public Service Commission*. It is there stated that, out of 312 public utility plants at present operated in the commonwealth, 109 are owned by municipalities. A comparison between the differently owned plants is being prepared for the commission by experts. The city of Cleveland has won its suit against restraint from issuing $1,000,000 worth of bonds for a municipal lighting plant and proposes to proceed at once with the issue of bonds and building the plant, which will be the largest municipally-owned lighting system in the United States. Three lighting plants are already operated by the city—two of which were acquired by annexing suburbs. When the new establishment is built all four will be operated as one system. The price of electricity for lighting will continue to be at the rate of 3 cents per kilowatt hour and represents a considerable reduction on the rate charged by the Cleveland Electric Illuminating Company.

Under the recently adopted provisions for home rule in the Texas constitution, the city of Houston has amended its charter to provide for restricted municipal trading in all directions. The city will thereby be enabled to buy land, build houses, own and operate utilities of all kinds, and, in short, to conduct any business it wishes.

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As for the public ownership of street railways, the city of St. Louis again affords an illustration. Very little attention has been called to the fact that the city owns and operates a line about seven miles long which connects the St. Louis water works with the city. This line was built in 1901 to provide for the transportation of employees and supplies to the water works because of the lack of any other means of connection between the city and the works. Lately, owing to the interest felt in the water department and because of the park which has been established on the river bluff near the works, the road has been used for passenger service and fares have been collected from the general public since August. The road carried over 350,000 passengers during the last fiscal year and, out of a total of 52,242 passengers in the first three weeks of September, there were 30,896 who paid fares. Cash receipts will be small during the winter months and this will prevent the line from becoming self-supporting just yet. But a good deal of interest is felt in the experiment inasmuch as the main street-car line in St. Louis is a privately-owned corporation and as the question of municipal ownership is attracting a good deal of attention in the city. According to the present charter, while the city is not specifically permitted to operate a railroad as a common carrier, yet it is nowhere specifically prohibited from doing it.

It might be mentioned also that gross receipts from San Francisco's municipally-owned line of street railway—the Geary Street road—continue to be largely in excess of expenses. Traffic on the road for the month of October averaged about 1892 persons daily.

A new department of public service has been established by the Massachusetts Agricultural College through its extension service. This has to do with rural civic improvement with particular reference to the physical aspects of rural communities, although the College offers all the assistance at its command toward every enterprise for civic improvement. The service covers advice and practical aid on such problems as the improvement of school grounds, the establishment and equipment of playgrounds, the restoration and improvement of town commons, reservations and historic spots, coöperation in the improvement of country roads with the state highway commission, the necessary care for trees, rural cemeteries, etc., and the best methods in water supply, sewage disposal, etc. Assistance and advice will also be given in connection with questions of organization, finance, and programs of work for village improvement societies. The work will be confined to strictly public

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enterprises and is intended primarily for those in rural neighborhoods. Rural communities will therefore be given the preference, although any community in the state will be aided if it proves possible.

The sum of $650,000 has been given by Mrs. Elizabeth Milbank Anderson of New York, to establish social welfare laboratories which shall be conducted by the New York Association for Improving the Welfare of the Poor. This gift makes possible the maintenance of a department of social welfare for experimenting as to the practicability of preventive and constructive measures for poor relief and in this way will facilitate the adoption of the best methods by the city and civic and social agencies.

The growth of the playground movement, or that for "organized play," has become constant during the last few years. This is especially true of the movement as directly maintained by city authorities. At the present time there are public playgrounds in about five hundred cities of the United States, and half of these are supported by the municipalities themselves, although at the start they were almost without exception maintained through private contributions and encouraged and conducted by persons or organizations especially interested in the work. This feature, of securing recognition for the playground as a vital and permanent office of the city government, is one of the greatest successes of the movement. During the past year about $2,500,000 was spent in 250 cities for playground work. In the various cities there is wide divergence in the method pursued, as will be shown by the few examples which follow. Playgrounds in New Orleans include gardens; manual training and cooking have been removed from the school buildings to the playgrounds in Glen Ridge, N. J., in Columbus, Ohio, and in Holyoke, Mass. The city of St. John, N. B., has systematic musical drills in its playgrounds; in Kalispell, Mont., Indian dances in costume are taught; a boys' band is maintained in connection with the playground in Jacksonville, Fla. Music is provided in a great many cities, and dramatic and historic pageants are held in others. A movement along this same line, which shows a corresponding development towards better conditions, is that for larger school playgrounds in connection with school buildings.

For the purpose of extending building operations in Breslau, the municipal council of that city has made an appropriation of $6,250,000 in order to make loans to those wishing to build. The matter of loaning this money will be in the hands of a special department of the municipal government. For some time past there has been a considerable decrease

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in building operations because of the difficulty in securing the necessary loans to finance the undertakings.

A year's trial of the wider use of school buildings by adults in Brooklyn has resulted satisfactorily, and the movement will now be extended to schools throughout the city. School buildings which have formerly been idle for about forty per cent of the time, are now used outside of school hours for musical centers, lecture halls, and for the exhibition of model moving-picture shows. Sunday evening concerts and lectures have been held during the winter in the large auditorium of the commercial high school.

The experiment of bringing art exhibitions more conveniently within the reach of the people than is the Metropolitan Art Museum, is being tried in the Washington Irving School in New York City. If the project proves successful, the plan is to extend these neighborhood art galleries to other schools. Many of the exhibitions will be of collections loaned by private individuals. Another graphic means of educating the public is being used in New York by the health department. This is the museum of health which has been started by Commissioner Lederle, and consists of charts, apparatus, and various other data calculated to impress on the popular mind the importance of public health and the means of securing it.

Action for the promoting of city planning has been taken by several states, in addition to that of Massachusetts and Pennsylvania, noted in the last issue of the REVIEW. In New York every city and incorporated village has been authorized to create a planning commission and to provide city planning commissions; second-class cities have power to establish commissions but the authority given to the commissions is slightly curtailed. In Connecticut no state-wide action has been taken, but three individual cities have been given powers by special acts. The city of New Haven is to create a city planning commission with authority to make comprehensive plans for developing the city and to employ expert assistance. In New London the park board is empowered to act as a planning commission with the same powers as the commisssion in New Haven. A third special act permits West Hartford to establish a planning commission if the people vote in favor of it.

On November 18 and 19 there was held in Boston a city and town planning conference under the auspices of the chamber of commerce and the

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Massachusetts homestead commission. This was the first meeeting of such a conference for Massachusetts and was called by the governor of the state in order to facilitate the work of the new boards of city and town planning as established by the recent act of the legislature. Eight cities in Massachusetts have already appointed city planning boards—Cambridge, Fitchburg, Lawrence, Lowell, Pittsfield, Salem, Waltham, and Watertown. Papers were read at the meetings by experts in the different phases of city planning and by prominent state and city officials who took up the subject from every point of view.

At the third conference of the National Housing Association which was held at Cincinnati on December 3, 4, and 5, there were papers and discussions on the following topics: garden cities, coöperative housing, how to get cheap houses, the problem of the old house, restricted residence and business districts, the housing of workers at industrial plants, transit and housing, and health department organization and housing.

The National Civil Service Reform League held its thirty-third annual meeting in Boston on December 11 and 12. In addition to the reports of the different local associations and auxiliaries, and the presidential address by Governor Baldwin of Connecticut, there were papers on the merit system and the good roads' movement, the city-manager plan, the choice of municipal experts through competitive examinations in Philadelphia. The program included also a symposium on the selection of higher municipal officers.

City of Pittsburgh, *Report on a Survey of the Departments of Public Health, City Comptroller, City Council, Public Works, Supplies, Collector of Delinquent Taxes, Civil Service Commission, Public Safety, Bureau of Police, Bureau of Fire, Municipal Explosives Board, Inspector of Employment Agencies, Ordinance Office, and Division of Weights and Measures.* This report was prepared for the City Council of Pittsburgh by the New York bureau of municipal research during the months of June and July, 1913, and has just been published. Each department is considered very carefully as a whole and in its various parts. There is a brief introduction preceding the consideration of every department, which treats of the department concerned in a broad and general way. Good and bad points as developed by the city of Pittsburgh are also brought out and recommendations for improvements to be made are given in the case of each department.

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Among other suggestions, the report recommends doing away with the office of delinquent tax collector. This official is paid for his services, at the rate of 1.5 per cent of the total collected. Last year this yielded him $41,479 and, although from this sum he had to pay all the expenses of his office, his net income was about $20,000 since all other expenses did not exceed the sum of $21,500. This is double the salary of the mayor and could be quite easily collected by the city treasurer with the consequent saving of $20,000 to the city. The report also decries the custom of making cash advances and loans to present and former city officials and employees, and to outside persons as well, out of the proceeds from delinquent taxes.

Two cities which will probably expand their city limits by annexing suburbs, are Richmond, Va., and Richmond, Ind. In the former city it is planned to add an area of about 16 square miles, thus making the total area of the city 27 square miles and increasing the population from 128,000 to 153,000. Richmond, Ind., will increase its area by about one-half if the project for annexation is carried out in that city. In Los Angeles the city council has authorized a campaign looking toward the annexation of 17 districts, with a population of over 100,000 persons, to the city. The work will be under the direction of a municipal annexation committee.

In lieu of any salary for service in the city council, in Eufaula, Ala., the members are to receive special rates for water, gas and electric light services provided by the municipal plants. The first plan, of giving free service to councilors, was judged unconstitutional.

St. Louis, which has heretofore followed the practice of depositing its garbage in the Mississippi River, has been compelled to change its method of garbage-disposal under order of the United States War Department. A contract with a reduction company is being contemplated, with the payment of $45,000 each year for five years.

Throughout the country the progress which commission government has made during the last quarter is still on the positive side, and it estimated that 94 cities adopted, in the year 1913, some form or other of the short-ballot plans of city government. It has lately been adopted in the cities of Mt. Sterling, Paducah and Pineville, Ky., Haddonsfield and Phillipsburg, N. J., Lakeland, Fla., McKinney, Texas, Joplin, Mo., and

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Saginaw, Mich. Commission government was defeated in Minneapolis by a majority of over 13,000. Its opponents claimed that the proposed charter tried to legislate upon too many details and to fix policies too rigidly. The charter included the election of seven commissioners, each to a specific office. Other cities rejecting the commission plan were Athens and Columbus, Ga., Eveleth, Minn., Dickinson, S. D., Rahway, N. J., and Springfield, Mo. In Kenosha, Wis., Kearney, N. J., Taylor, Tex., Quincy, Ill., and Yonkers, N. Y., charter committees are considering the adoption of commission government.

Two cities which have adopted and been administered under commission government without great success are Tacoma, Wash., and Wichita, Kan. In both of these cities the complaint against the commission form is that the combination of the legislative and the administrative functions in one set of officers does not work out well in practice. The city-manager plan is now being unqualifiedly advocated by the mayor of Tacoma for adoption by the city, and this position is endorsed by the Public Welfare League.

The municipalities which have adopted charters containing this latter plan of administration, to date, are Sumter, S. C., Hickory and Morganton, N. C., Dayton and Springfield, Ohio, La Grande, Ore., Phoenix, Ariz., Cadillac and Manistee, Mich., Terrell and Amarillo, Tex., and Morris, Minn. Of these, eight have less than 10,000 inhabitants, while two, Phoenix and Manistee, are only slightly larger. Dayton has a population of 116,577 and Springfield 46,921. In two other cities, Winona, Minn., and Sandusky, Ohio, charters are being drafted to include this plan of government, and a new charter along the lines of that adopted in Dayton has been proposed in Ithaca, N. Y. Adoption of the city-manager plan in Manistee came as a corollary to the satisfactory working of the scheme in Cadillac. The charters in these cities are similar and provide for the election of a mayor and four councilmen for five-year terms, subject to recall at the end of each year. They appoint the general manager and determine his salary. The other elected officers are five supervisors, four justices of the peace, and one constable.

Several cities which were unable to change their charters have created the office of city manager by ordinance, as, for instance, Staunton, Lynchburg and Fredericksburg, Va., Abilene, Kan., and River Forest, Ill. This is the case also in Titusville, Pa., where commission government was adopted under provisions of the Clarke act. The office of city manager is filled by the city engineer, thus consolidating the departments of engineering, streets, sewers, water, lighting, and pur-

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chasing. The Allied Civic Bodies Committee of Pennsylvania has announced that, according to the terms of the Clarke law, any Pennsylvania city of the third class may adopt the city-manager plan by a slight adaptation regarding salaries paid to city officials.

In Illinois the village of Glencoe is advertising for a village manager as the result of the success attained by the manager in River Forest. The village manager will devote his whole time to departmental matters under the direction of the village board. Still another municipality which is considering the adoption of this office is Montrose, Colo. On the other hand, the city-manager scheme was rejected recently in Waycross, Ga., and Little Falls, Minn.

The new Dayton and Springfield charters went into effect on January 1. Mr. Henry M. Waite, chief engineer in Cincinnati, has been appointed to the position of city manager at a salary of $12,500. In Springfield the post is being filled by Mr. Charles E. Ashburner, who has been city manager of Lynchburg, Va. No effort will be spared by citizens of Dayton to make the operations of the new charter a success. To this end there has been organized the Greater Dayton Association, with all the activities and interests of a city club, a municipal league, and a citizens' federation. The association already has a very large membership from all classes and occupations, both of men and women.

Supplementary to its report made two years ago, the National Municipal League's committee on commission government presented, at the recent annual meeting of the League, a majority report favoring the city-manager plan and stating the advantages which it affords. This supplementary report, and the minority report accompanying it, is printed in the issue of the *National Municipal Review* for January, 1914.

Early in November the Colorado state supreme court determined that the form of commission government and officials chosen to administer it last May in the city of Denver possess all legal rights. Last February amendments to the charter of Denver were passed, making it a commission-governed city, and in May the board of aldermen, board of supervisors, mayor and all other elected officials were superseded by the five commissioners elected at that time. Suit was instituted against the city commissioners. The decision of the court, however, sustains as legal both the adoption of commission government and the election of the commissioners as administrators of the city's affairs.

On December 1 the commission form of government went into effect in most of the cities in Pennsylvania—the exceptions being Philadelphia, Pittsburgh, Scranton, and three or four small municipalities which have

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special charters. This general adoption is in accordance with the law passed by the last legislature. Under it city administrations will be in charge of a single council of five men, one of whom is mayor. Each is to be the head of one of the five departments into which the administration of the city is divided, namely, public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The department of public affairs will be under the direction of the mayor.

While the details of the new charter being drafted for Columbus, Ohio, have not yet been published, the general plan for the government of the city has been agreed upon by the charter commission. This plan combines features from all the recognized forms of city government, while following none, and has been called by those opposed to it the "mongrel" form. When drafted the charter will provide for the selection of a mayor, an auditor and a solicitor at large, and four councilmen, one each from a specified district. These seven elected officers, who are to form the council of the city, are to administer its business affairs and make its laws, with the exception, however, that the direction of the fire and police departments is entrusted to the mayor alone, and that a certain independence is given to the auditor and solicitor in the conduct of their own departments. A general manager is to be appointed by the council, to take charge of all the city's affairs except the departments of fire and police as above-mentioned. It is expected that a good deal of opposition will be encountered by such unusual features in the charter as exemplified by the office of mayor deprived of the mayor's ordinary authority, the unnatural division of administrative duties, a legislative body which is neither a council nor a commission, a city manager with curtailed powers, and an unsound method of electing four commissioners or councilors.

Under the auspices of Mayor James R. Hanna, the entire municipal administration of the city of Des Moines is to be subjected to a searching investigation in charge of a committee of about fifty members. This committee is to consist of a delegate from every improvement league, commercial organization, labor assembly and similar body in the city, and will accordingly represent the general public as completely as is possible. An executive committee of five, appointed by the larger committee, is to have power either to conduct the investigation itself or to engage an efficiency engineer to do it. Every department of the city is to be checked up and wide publicity will be given to the findings.

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NEWS AND NOTES

Personal and Bibliographical[1]

EDITED BY JOHN M. MATHEWS
University of Illinois

The American Political Science Association held its tenth annual meeting in Washington, December 30, 1913 to January 1, 1914. Its headquarters were at the Shoreham Hotel. The first session, that on Tuesday afternoon, December 30, was devoted to international law, and papers were read by Mr. E. M. Borchard, Prof. Frank A. Updyke, N. Dwight Harris, and F. Wells Williams. In the evening of December 30, presidential addresses were delivered by Prof. W. W. Willoughby, on behalf of the American Political Science Association, and by Prof. W. F. Willoughby, on behalf of the American Association for Labor Legislation. On Wednesday morning, December 31, a session was devoted to political theory, with papers by Prof. R. G. Gettell, Dr. Ernest Bruncken, and Mr. Alpheus H. Snow. Mr. Robert Lansing, who was to have presented a paper, was unavoidably absent. His paper, however, appears in the *Proceedings* of the Association. At the Wednesday afternoon session, which was devoted to legislative reference bureaus, papers were presented by Prof. Chester Lloyd Jones, Hon. Robert L. Owen, Mr. Donald Richberg, and Dr. Horace E. Flack. Dr. Charles McCarthy, Mr. John A. Lapp, and Mr. Eliott H. Goodwin took part in the discussion. Wednesday evening was devoted to congressional procedure, with papers by Mr. A. Maurice Low, Prof. W. F. Willoughby, Prof. J. W. Garner, and Dr. J. David Thompson. Thursday morning, January 1, was devoted to a conference on instruction in government. Papers were read by Prof. Edgar Dawson and J. Lynn Barnard, and a committee report was presented by Prof. C. G. Haines. The discussion at this meeting was participated in by Prof. Clyde L. King, J. Q. Dealey, E. M. Sait, Dr. Arthur W. Dunn, and Hon. P. P. Claxton, commissioner of education. The Thursday afternoon session was devoted to the business meeting of the Association, and reports were presented by Prof. C. G. Haines, chairman

[1] In the preparation of book notes, assistance has been received from Professors J. W. Garner and W. F. Dodd.

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of the committee on instruction in government; Dr. E. A. Fitzpatrick, secretary of the committee on practical instruction in government; Prof. Ernst Freund, chairman of the committee on legislative methods; and Prof. Clyde L. King, chairman of the committee on city and county government.

The presidential address appears in this issue of the REVIEW, and the paper of Dr. Bruncken will appear in a later number of the REVIEW, The other papers and reports are published in the *Proceedings* issued as a supplement to this number.

President John H. Finley of the College of the City of New York has been appointed state commissioner of education and president of the University of the State of New York, in succession to the late Andrew S. Draper.

Prof. L. S. Rowe and Dr. Roland P. Falkner, have recently completed their work on the joint international commission, created under the treaty of February 26, 1904, between the United States and the Republic of Panama. This commission, composed of two representatives appointed by the President of the United States, and two representatives appointed by the President of the Republic of Panama, was given jurisdiction over all claims against the United States arising out of the construction, operation, sanitation and protection of the Canal.

Prof. Edward S. Corwin of Princeton University is on leave of absence during the second semester of the present year.

Mr. Henry Bruère, formerly director of the New York bureau of municipal research, has been appointed city chamberlain of New York City.

Prof. Frank A. Updyke of Dartmouth College will be on leave of absence during the second semester of the present year. He will devote this period to research work in Washington, D. C. Prof. Updyke has been chosen to deliver the Albert Shaw lectures on American diplomatic history at Johns Hopkins University this year.

Dr. Arthur K. Kuhn, lecturer in the law school of Columbia University has been invited by the University of Zurich, Switzerland, to deliver a special course of lectures there during the summer semester of 1914, upon principles peculiar to Anglo-American jurisprudence.

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Prof. Robert M. McElroy has been appointed head of the department of history and political science in Princeton University.

Prof. John R. Commons has resigned from the Wisconsin industrial commission to reëngage in his work at the University of Wisconsin.

Dr. W. E. Rappard has resigned from the staff of Harvard University to accept a professorship of economic history at Geneva University.

Dr. G. N. Janes has been appointed to an instructorship in political science and economics at the University of Washington.

Dr. J. David Thompson, formerly of Columbia University, has been appointed law librarian of congress, in succession to Mr. E. M. Borchard.

Prof. Monroe Smith has resigned from the managing editorship of the *Political Science Quarterly*, and has been succeeded by Dr. T. R. Powell.

Prof. John A. Fairlie, of the University of Illinois is on leave of absence for a year in order to direct the work of the Illinois economy and efficiency commission. During his absence his work will be given by Prof. Russell Storey of Monmouth College.

At the annual meeting of the Ohio Valley Historical Society, held in October at Lexington, Ky, Dr. J. M. Callahan, professor of political science and history at West Virginia University, was elected president of the Society for the ensuing year.

Mr. Robert Bacon, ex-secretary of state and ex-ambassador to France, has returned from a tour of the principal South American countries, as a representative of the Carnegie Endowment for International Peace. His tour was made for the purpose of forming societies of international law to be affiliated with the American Institute of International Law, and of arranging for the interchange of visits of representative men between the United States and South Amerca and the exchange of university professors and students.

Prof. Bruce Wyman has resigned his professorship in the Harvard Law School, and his resignation has been accepted by the corporation. His subjects were contracts and public service corporations, and he is the author of well-known treatises on administrative law.

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President Jacob G. Schurman of Cornell University will deliver the Stafford Little lectures at Princeton University this year, his subject being "The Balkan Situation." The lectures will be brought out in book form by the Princeton University Press.

President A. T. Hadley of Yale University will deliver a course of lectures at Oxford University this spring on "The Institutions of the United States."

Prof. Irving Fisher of Yale University read a paper at the National Conference on Race Betterment at Battle Creek, Michigan in January on "The National Department of Health."

The Nobel peace prize for 1912 has been conferred on Senator Elihu Root of New York and that for 1913 on Senator Henri La Fontaine, of Brussels.

Ex-President Taft is delivering a series of lectures this winter at Aeolian Hall, New York City, upon important national and international questions. The first lecture of the series was upon "The Monroe Doctrine."

Prof. John W. Burgess, emeritus professor of political science in Columbia University has been appointed visiting American professor at the Austrian Universities for 1914–15 by the American government.

Dr. Josef Redlich of the University of Vienna recently visited the United States for the purpose of investigating the methods of instruction in American law schools and of making a report to the Carnegie Institution. While in the United States he delivered a number of lectures at Johns Hopkins University on Austrian political institutions.

The fourth annual meeting of the American Society for Judicial Settlement of International Disputes was held at Washington, December 5–6.

The National Civic Federation held its fourteenth annual meeting at the Hotel Astor, New York, December 11 and 12. Workingmen's compensation, pure food and drugs, conciliation and mediation laws, the regulation of public utilities and of industrial corporations were among the topics discussed.

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The thirty-third annual meeting of the National Civil Service Reform League was held at Boston, December 11–12. Besides reports on various topics, addresses were delivered by Governor Simeon E. Baldwin and President A. L. Lowell of Harvard University. Formal papers were also read on: "The Merit System and the Good Roads Movement," "The Growing Functions of the State and How they are to be Met," "The Selection of Higher Municipal Officers," and "The Choice of Municipal Experts through Competitive Examinations in Philadelphia."

Prof. F. Larnaude, founder of the *Revue du Droit Public* and professor of public law in the University of Paris has been appointed dean of the faculty of law of that institution.

A regular course in parliamentary law and practice is now being given at the State University of Iowa in the department of political science.

Under the direction of Prof. Benj. F. Shambaugh a bureau of public administration and a bureau of municipal information have been established at the State University of Iowa. Mr. O. E. Klingaman, who has been appointed chief of the bureau of public administration, is in charge of the bureau of municipal information.

A course in library administration and public service has been inaugurated by the library school of the Wisconsin library commission, in coöperation with the University of Wisconsin. The course is designed to prepare college graduates for positions where knowledge of public affairs is of more importance than technical library training, and therefore includes lectures in political science and economics, and research work on special topics. Various departments of the state government have already applied to the commission, asking that students in the course be assigned to investigate special topics. The course is directly in charge of Mr. Clarence B. Lester, formerly legislative reference librarian of the New York state library.

American students of political science, public law and legal history will regret to learn of the death in July last of Prof. A. Esmein of the University of Paris. At the time of his death he was the most distinguished French authority in his field and his scholarship was excelled by that of few men of his time.

He was born in 1848, became professor of law at Douai in 1876 and

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was called to the University of Paris in 1879. He was a member of the Institute, a member of the superior council of public instruction and was a professor in the Free School of Political Science founded by M. Boutmy. His more important contributions were: *Études sur les contrats dans le très ancien droit français*, 1883; *Mélanges d'histoire du droit et de critique; Droit romain*, 1886; *Cours élémentaire d'histoire du droit français*, 1892, fifth edition, 1903; *Précis élémentaire de l'histoire du droit français de 1789 a 1814; Revolution, Consulat, et Empire, 1909; Elements de droit constitutionnel français et comparé*," fifth edition, 1909. He was also the author of a monograph on *Gouveneur Morris* and contributed many articles to legal periodicals.

His *Histoire de la Procédure Criminelle en France*, his first published work—a study which was crowned by the Academy of Moral and Political Sciences—has recently been translated into English and published as one of the volumes in the Continental Legal History series of Little Brown and Company. It was revised shortly before his death for this purpose.

Forthcoming numbers of the University of Illinois Studies in the Social Sciences include *The West in the Diplomacy of the American Revolution*, by P. C. Phillips and *The History of Banking in Illinois* by G. W. Dowrie.

The *American Labor Legislation Review* for October contains an extensive review of labor legislation for the year 1913.

The Legislation of the Thirty-fifth General Assembly is the title of a comprehensive review of the 1913 session of the Iowa legislature, written by Dr. Frank E. Horack of the State University of Iowa and published by the State Historical Society of Iowa.

The fourth American edition of Norman Angell's *The Great Illusion* in a revised and enlarged form has been issued through the G. P. Putnam's Sons (New York; 1913, pp. xxii, 416). An appendix has been added upon "Recent Events in Europe."

A monograph on *Judicial Tenure in the United States* is being prepared by Mr. W. S. Carpenter of Princeton University.

Papers upon "The Present Status of Legislative Reference Work," by Mr. C. B. Lester and on "The Law that Stands the Test" by Mr. M. S.

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Dudgeon were read at the Kaaterskill, New York, conference of the American Library Association last June, and have been published in the *Bulletin* of that Association for July, 1913.

At a meeting of the executive council of the American Library Association held in Chicago last December, action was taken calling upon the joint congressional committee on printing to have a table of contents appear with each daily issue of the *Congressional Record*.

The *Official Good Roads Year Book of the United States* for 1913, published by the American Highways Association (Washington; 1913, pp. 548) contains useful summaries of road legislation in the various states.

Special Libraries for December contains a digest of recent important constitutional decisions.

A select list of references on the monetary question, containing over 1500 items, has been issued by the Library of Congress (1913, pp. 247).

The American Society of Civil Engineers has issued a "Bibliography on the Valuation of Public Utilities," reprinted from its *Transactions* for 1913.

A *Reader's Guide to the Addresses and Proceedings of the Annual Conferences on State and Local Taxation*, volumes 1 to 6, 1907–1913, has been prepared by Mr. C. C. Williamson and issued under the auspices of the National Tax Association.

The Case for Woman Suffrage, a Bibliography by Margaret L. Franklin with an introduction by M. Carey Thomas has appeared. (New York, National Woman Suffrage Association, 1913. 315 pp.) A bibliography on woman suffrage was also prepared and issued in French, German, English and Hungarian by the Budapest Public Library for the meeting of the International Woman Suffrage Council in 1913.

Appendix IV of the *Report of the Librarian of Congress* for 1913 contains the text of a number of bills and reports in congress upon the subject of a legislative reference bureau for congress.

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The Chamber of Commerce of the United States has recently conducted a referendum among local business organizations throughout the country upon the question of the establishment by congress of a bureau of legislative reference and bill drafting, which resulted in 625 affirmative votes to 16 negative. In connection with the referendum, the Chamber published a pamphlet outlining the reasons for the establishment of such a bureau, and these reasons have also been summarized in the organ of the Chamber, *The Nation's Business* for November 15, 1913.

A public affairs information service has been inaugurated through the coöperation of about forty legislative and municipal reference and university libraries. The Indiana bureau of legislative information at Indianapolis, under the supervision of Mr. J. A. Lapp, serves as a central clearing house for this information and periodical bulletins are sent out to the coöperating libraries. Much ephemeral material is thus brought to light which might otherwise escape notice.

The Progressive National Service Legislative Reference Bureau (Forty-Second Street Building, New York City) is issuing a series of bulletins upon political topics, among which may be mentioned the following titles: "Social Insurance;" "The Minimum Wage;" "The Progressive-Republican Merger," by A. J. Beveridge, August, 1913; "Politics and Social Service," March, 1913; "Questions in Regard to the Initiative, Referendum and Recall," July 1913; and "The Status of Direct Legislation in the United States," November, 1913.

The Investment Bankers Association of America has issued a number of bulletins, among which may be mentioned the following titles: "Abstract of the Laws of Each State Relating to Public Service and Railroad Commissions," September 9, 1913; "State Blue Sky Legislation," July 7, 1913; and "The Constitutionality of Exempting Securities from Taxation or Taxing Them at a Lower Rate Than Tangible Property in the Various States," August 29, 1913. The secretary of the Association is F. R. Fenton, 111 W. Monroe Street, Chicago.

The Children's Bureau at Washington has under preparation a *Digest of the Child Labor Laws of the United States.*

The National Short Ballot Organization has under preparation a study of county government in New York.

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The United States department of agriculture has issued a *Digest of the Game Laws of All the States* (1913, pp. 59).

The committee on laws of the National Board of Fire Underwriters has prepared a report on the fire insurance legislation of the different states which appears in the *Proceedings* of the Board for 1913.

The department of legislation and law enforcement of the American Vigilance Association has published a descriptive account of the various injunction and abatement laws of various States.

A digest of the decisions of State public utility commissions and of the interstate commerce commission appears monthly in *Public Service Regulation,* the journal of the National Association of Railroad Commissioners.

The relation of the State to public utility companies is the subject of a report recently issued by the Massachusetts board of gas and electric light commissioners.

A digest of the workmen's compensation and insurance laws of the United States was issued in October by the Workmen's Compensation Publicity Bureau of 80 Maiden Lane, New York City.

In addition to general surveys of state institutions, special surveys dealing with the state administration of education are now under way in Ohio, Minnesota, Nebraska, Vermont, and Wisconsin.

At the annual meeting of the American Bar Association in September a report was presented by the special committee appointed to suggest remedies and formulate proposed laws to prevent delay and unnecessary cost in litigation.

Bulletins on *Tax Legislation of New York,* 1913 (pp. 4) and *Tax Legislation and Pending Constitutional Amendments,* 1913 (pp. 7) have been issued by the New York Tax Reform Association.

A supplement to Malloy's *Treaties and Agreements Between the United States and Other Powers, 1776–1909* has been compiled by Garfield Charles and issued as a Senate document (62d congress, 3d session, doc. no.

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1063). It embraces all treaties, etc., to which the United States has become a party from January 1, 1910, to March 4, 1913, and; in Part II, there are also inserted proposed treaties which have thus far failed of ratification, but which may become operative in the future. There has also been published as a Senate document a compilation of the acts, treaties, proclamations, decisions, and opinions relating to the noncontiguous possessions of the United States and also Cuba and Santo Domingo (63d congress, 1st session, doc. no. 173).

At the annual meeting of the Illinois Library Association held at Chicago in December a paper was read upon "The Work and Program of the Illinois Legislative Reference Bureau" by the secretary, Mr. Finley F. Bell. The functions of the bureau, as outlined by Mr. Bell, include the preparation of a budget, the collection of legislative data, and the drafting of bills. Mr. Bell's paper will be published in the February number of *Public Libraries*.

The special committee of the American Bar Association on legislative drafting, of which Prof. Wm. Draper Lewis of the University of Pennsylvania Law School was chairman has published its report in a separate pamphlet of 49 pages. It contains appendices on "Existing State Laws relating to Legislative Drafting" by H. Goddard and on "Existing Agencies for Rendering Expert Assistance to Members of Legislatures" by Dr. J. D. Thompson.

A comprehensive work, entitled *The Philippines*, by Dean C. Worcester, is about to be issued by the Macmillan Company

The first National Conference on Popular Government was held in Washington, December 6, and effected the organization of the National Popular Government League, with Senator Robt. L. Owen of Oklahoma, chairman, and Judson L. King, executive secretary. Addresses were delivered by Hon. W. J. Bryan and a number of Senators. The program of action decided upon includes work in behalf of an amendment to the federal Constitution facilitating future amendments, and for the adoption of an effective form of the initiative and referendum in individual states. The League has established a Bureau of Information in Washington, which has issued a bulletin giving a digest of the State wide initiative and referendum amendments pending adoption in the States.

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A Conference on Latin-America was held at Clark University, November 18 to 21, presided over by President G. Stanley Hall. Among the papers read were those on "The relations of the United States with the Latin-American Republics," "The Universities and American International Relations," "Inter-American Political and Economic Affairs," "The Mexican Situation," "The Monroe Doctrine," and related topics.

A brochure has been issued recently by the departments of history and political science of Queen's University, Ontario, under the title *British Supremacy and Canadian Antonomy: an Examination of Early Victorian Opinion concerning Canadian Self-Government.*

The Income Tax Law of 1913 Explained by Geo. F. Tucker (Boston, Little, Brown and Company, 1913, pp. 271) aims to present the text of the income tax law with explanatory observations and with the citation of rulings and decisions upon former acts.

A committee of the Oregon Bar Association has made a report on "Costs in the Federal District Courts and Circuit Court of Appeals."

Recent affairs in China, both imperial and provincial, and the developments under the provisional government, are recounted in Edmond Rottach's *La Chine en Révolution* (Paris, Perrin, 1913).

The lectures delivered by President Cleveland from 1900 to 1904 upon the Stafford Little foundation at Princeton University have been published in three volumes under the titles *The Independence of the Executive*, *The Venezuelan Boundary Controversy*, and *The Government in the Chicago Strike of 1894* (Princeton University Press, 1913).

The Making of the Australian Commonwealth, 1889–1900: a Stage in the Growth of Empire, by B. R. Wise (New York, Longmans, 1913, pp. xiii, 365) forms a historical introduction to the adoption of the Constitution of Australia.

A revised edition of Prof. Paul S. Reinsch's *American Legislatures and Legislative Methods*, one of the volumes of the American States Series, has been published by the Century Company.

The Century Company has in press a volume entitled *Actual Government of Illinois* by Miss Mary Louise Childs of the Evanston Township High School.

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A new edition of Prof. Charles A. Beard's *Readings in American Government and Politics* has been issued through the Macmillian Company.

The third volume of the *Annuaire de l'Union interparlementaire* has appeared under the editorship of Dr. Christian L. Lange, secretary-general of the Union (Brussels, Musch and Thron, 1913, pp. xii, 291). It contains an account of the seventeenth conference of the Union held at Geneva in 1912, together with other articles dealing with matters of international interest.

The address of Lord Chancellor Haldane of England on *Higher Nationality, a Study in Law and Ethics* delivered at the meeting of the American Bar Association in Montreal last September has appeared in the *American Law Review* for November—December and has also been reprinted as a senate document (63d congress, 1st session, doc. no. 233).

The papers upon criminal procedure and related topics read before the American Institute of Criminal Law and Criminology at its annual meeting in Montreal last September have been published in the November number of the Institute's organ—*The Journal of Criminal Law and Criminology*.

New York University is preparing to establish a laboratory of public affairs, to be known as Government House, for the practical instruction of graduate students in political research. The work will be under the supervision of Prof. Jeremiah W. Jenks, director of the division of public affairs of New York University.

Among conferences of political interest recently, or soon to be, held may be mentioned the National Conference of Single Taxers, held in connection with the meeting of the Joseph Fels Fund Commission in Washington D. C., January; The National Conference on Child Labor at New Orleans, March; and the eighteenth annual meeting of the American Academy of Political and Social Science at Philadelphia, April.

One Hundred Years of Peace, by Senator Henry Cabot Lodge (Macmillan Co., 1913) is the title of a volume which undertakes to give briefly an interpretation of events since the War of 1812.

The second French edition of Bryce's *American Commonwealth*, translated by Gaston Jèze, has appeared in five volumes from the press of Giard and Brière, Paris.

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A second edition of Georges Lachapelle's *La representation proportionelle en France et en Belgique* has appeared from the press of F. Alcan, Paris.

The volume of *Proceedings of the Governors' Conference* held at Colorado Springs last August has just been issued. It contains interesting discussions upon "A State Department of Economy and Efficiency," "The State Assumption of Nomination and Election Expenses," "Distrust of State Legislatures, the Cause and Remedy," and "State Control of Public Utilities," participated in by the governors of various states. The Conference decided to hold its annual meeting of 1914 in Madison, Wisconsin. The address of Governor Baldwin of Connecticut upon "The State Assumption of Nomination and Election Expenses," has also been published in the *Yale Law Journal* for December.

The most careful investigation of billboard advertising yet made is that contained in the *Report of the Mayor's Billboard Advertising Commission of the City of New York* (New York, 1913, pp. 151). Mr. Robert Grier Cooke was chairman and Mr. Albert S. Bard secretary of the New York commission. The report considers carefully all the phases of the problem, discusses regulations in other cities and in foreign countries, and is accompanied by draft proposals to carry out its recommendations. To students of constitutional law a rather full discussion of "Aesthetics and the Constitution" is of especial interest.

Among recent monographs dealing with German institutions may be mentioned *Die Finanz und Zollpolitik des Deutschen Reiches*, by W. Gerloff (Jena, Fischer, 1913, pp. xvi, 553), and *Der Deutsche Kaiser, eine Rechtshistorische Studie*, by W. W. Rauer (Berlin, Puttkammer und Mühlbrecht, 1913, pp. 117). *Le droit constitutionnel de l'Alsace-Lorraine*, by Paul Heity, with a preface by Professor A. Chrétien (Paris, Pichon, 1913) contains a discussion of the general concepts of the state and sovereignty as a foundation for the consideration of specific constitutional questions.

Among the numerous recent publications dealing with the Balkan situation may be mentioned H. Dugard, *Historie de la Guerre contre les Turcs* (Paris, Le Soudier, 1913); Immanuel, *La Guerre des Balkans de 1912* (Paris, Charles Lavauzelle, 1913, pp. 118); and Victor Bérard, *La Mort de Stamboul* (Paris, Colin, 1913, pp. xiii, 421). Another phase

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of the situation is treated in a work by the former Servian premier, Dr. Vladan Georgevitch, which has been translated into French by Prince Alexis Karageorgevitch under the title *Les Albanais et les Grandes Puissances* (Paris, Calmann-Lévy, 1913). A new (sixth) edition of E. Driault's *La Question d'Orient* (Paris, Alcan, 1913) brings that well-known work down to date.

A *Model Charter for Texas Cities* is the title of a bulletin recently issued by the bureau of municipal research and reference of the University of Texas. The author of the bulletin is Dr. Herman G. James, director of the bureau and adjunct professor of political science in the University. The proposed charter consists of eleven articles, each of which is accompanied by explanatory notes and suggestions and there is an introductory statement setting forth the principal objects to be considered in the framing of a charter for the efficient government of cities of more than 5000 inhabitants. The Texas bureau undertakes to serve the cities of the state by collecting material for the use of the municipal authorities and by publishing bulletins, of which this is the first, containing information on matters of municipal interest.

Prof. George E. Howard of the University of Nebraska has attempted to meet in some degree the need of teachers who give courses on political questions of current interest, by the preparation of an analytical reference syllabus (184 pages, published by the University of Nebraska, 1913) entitled *Present Political Questions*. The syllabus covers seventeen topics, including such questions as proportional representation, direct primaries, nominating candidates, ballot reform, election abuses, equal suffrage, reform of judicial procedure, municipal government, etc. Each topic is subdivided into parts and is accompanied by a list of bibliographical references to the periodical and book literature dealing therewith. At the end of the syllabus, he has added a valuable select bibliography of 61 pages also arranged according to topics. The syllabus bears evidence of patient and careful work and will no doubt be of considerable value to both teachers and students.

The Wards of the State: an Unofficial View of Prisons and the Prisoner is the title of a study in penology by Mr. Tighe Hopkins (Boston, Little Brown and Company, 1913, pp. viii, 340). Mr. Hopkins considers at length the methods of dealing with prisoners, mainly in England and the United States, and has gathered together a large amount of testimony in support of his general thesis that imprisonment as a means of punish-

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ment is a failure. The effect of such a system on the public mind, he contends, is demoralizing and it is fatal to the discharged convict. He leaves the prison under a new sense of ostracism, weakened, humiliated and unfit for society. The result is, he goes back to his proper habitat, the prison. Proof abounds, he asserts, that punishment by imprisonment neither reforms nor deters, yet we shall have to resort to it for a long time to come. The state of prisons in this country is not favorable to individualization, but existing conditions can be improved. Thousand of persons, he maintains, are now undergoing punishment who might be released or paroled or put under probation and supervision or cared for in hospitals or asylums. Indeed, he asserts, the prison population of the country could be reduced one half without injury to society.

Earth Hunger and Other Essays is the title of a collection of papers by the late Professor Sumner of Yale University. Some of them have not appeared in print before, although the larger number are taken from various periodicals and books in which they were originally published. The collection is edited by Prof. Albert G. Keller, a former colleague of Professor Sumner and is published by the Yale University Press (New Haven, 1913, pp. x, 377). The essays relate mainly to political, economic and sociological questions, although there are several of a miscellaneous character. Those of more immediate interest to students of political science are the ones, some fifteen altogether, which deal with liberty in its various aspects, several which discuss certain aspects of democracy, particularly its relation to plutocracy, one on "Natural Rights" one on "Equality" and one entitled "Economics and Politics." The essay on "Earth Hunger," which is the most pretentious of the collection, deals with the proposition that the chief controlling condition of our status on earth is the ratio of our numbers to the land at our disposal and the desire among individuals and nations for more land. In his essays on liberty, Mr. Sumner analyses the nature of liberty and its relation to law, discusses the various concepts which have been held in regard to it, criticises the notions of the 18th century philosophers concerning natural liberty, and dwells upon the relation between liberty and responsibility. While maintaining that law does not restrict liberty but creates the only real liberty that we know, his general attitude is that of the *laissez faire* theorist in regard to state regulation. Thus we are told, (p. 273) that "the argument for a commission to regulate 'interstate' literature is a thousandfold more strong than the argument for a commission to regulate interstate commerce or telegraphs."

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The collection of these essays, many of which were formerly inaccessible to students, and their publication in a single volume will undoubtedly insure a wider reading of them and no one can read them without being wiser.

Popular Government, its Essence, its Permanence and its Perils, by Ex-President Taft, has been issued by the Yale University Press (1913, pp. 283). The volume consists of a series of lectures given by Mr. Taft at Yale University last spring, dealing successively with the clauses of the preamble of the Constitution, and also contains two addresses read at the last annual meeting of the American Bar Association on "The Selection and Tenure of Judges" and "The Social Importance of Proper Standards of Admission to the Bar." In discussing such matters as the initiative and referendum and the recall of judges, the opinion of the distinguished author, as was to be expected, is unfavorable.

The Principles of Prussian Administration, by H. G. James (New York, The Macmillan Company, 1913, pp. 309) presents a concise account of the organization and general activity of the Prussian administration in the furtherance of the general welfare of the state, the rules that delimit the activity of the administration, and the relations between Prussian and imperial administration. The work is largely expository in character, no attempt being made to criticise the Prussian system of administration, or to compare it with other systems.

The Boston Book Company is preparing to issue during March or April a work on *Law, Legislative and Municipal Reference Libraries*, an introductory manual and bibliographical guide by John Boynton Kaiser, librarian of the Public Library, Tacoma, Washington. The book is an expansion of lectures on these subjects delivered before the library school of the University of Illinois where Mr. Kaiser has for the past two years and a half been in charge of the economics and sociology departmental library. The first section of the book will describe the materials to be found in a law library for the benefit of students of political science, law, and law library work, and some discussion of law library methods. The second portion discusses the legislative reference bureau, its development, materials and methods, viewing the bureau as one factor in the solution of the problem of intelligent legislation. Municipal reference libraries, similarly treated, occupy the text of the third section. An appendix will contain bibliographies of law, legislative and municipal

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reference work, bill drafting, compilations of laws and ordinances establishing such agencies, lists of their publications, and suggested class problems.

The fifth edition of Kirkup's *History of Socialism* which has appeared from the press of Adam and Charles Black (London, 1913, pp. 490) is practically a new work, the text being revised and largely rewritten by Edward R. Pease, in whose rooms were held the meetings in 1883 which led to the formation of the Fabian Society, of which Society he has been the secretary since 1890. The first nine of Kirkup's chapters, dealing with the history of primitive Socialists and the beginnings of the modern movement, have not been changed, but the other chapters have been rewritten, and, in some cases, condensed (especially those giving Kirkup's interpretation of Socialism), and chapters almost wholly new have been added, dealing with "The Progress of Socialism Abroad." "The Modern International," and "The English School of Socialism." This last chapter is an especially interesting and valuable one. In his preface Mr. Pease declares that he is convinced that historians in the future will recognize that the successor to Karl Marx in the leadership of Socialist thought belongs to Sidney Webb. "Marx perceived that industry must be the business of the state, but he did not foresee how this would come about. This has been the work of the English school of Socialism, which has long prevailed here, which, supported by Herr Bernstein, is capturing Germany under the name of Revisionism, which is at last creating a Socialist party in America, and indeed is gaining ground everywhere; and this school of Socialism is for the most part the creation of one man only, Sidney Webb."

RECENT DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

1. Constitutional amendment. People vs. Prevost. (Colorado, June 9, 1913. 134 Pac. 129.) The constitution of Colorado limits the number of articles of the constitution to which the general assembly may at one session propose amendments, to six. This limitation has no application to amendments proposed by popular initiative. An invalid statute enacted through the initiative as a statute cannot be sustained as a valid constitutional amendment though the method of procedure be the same for legislation and constitutional amendment. The provision that several amendments must be separately submitted does not apply to interdependent parts of one proposition.

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2. Separation of powers. Gregg vs. Laird, (Maryland, April 30, 1913.) An act creating a public service commission with power to regulate rates, etc., does not invest the commission with legislative and judicial powers, the establishment of a rate being a legislative and not a judicial act. Relying on Prentiss vs. Atlantic Coast Line, 211 U. S. 210,

3. Judicial power. Re Common Council of Lackawanna. (Appellate Division Supreme Court New York, July 8, 1913. 143 N. Y. S. 198.) A provision of the general municipal law for legalizing and confirming municipal bond issues in advance of the issue, sustained in principle.

4. Impeachment. People vs. Mayers. (Special Term Supreme Court New York. September 11, 1913. 143 N. Y. S. 325.) The power of the assembly to impeach being a judicial power, is not a legislative subject, and cannot be included in a call for an extraordinary session. The assembly might convene itself for the purpose of impeaching; it may therefore impeach in extraordinary session.

5. Referendum—excepted acts—usual current expenses. McClure vs. Nye. (California, June 7, 1913. 133 Pac. 1145.) Appropriations for structural improvements in state institutions and for the transportation of Gettysburg survivors to the reunion are not for usual current expenses and therefore do not take effect until ninety days after final adjournment of the legislature.

6. Delegation of powers. Assur vs. Cincinnati. (Ohio, June 10, 1913. 102 N. E. 709.) The flood emergency act authorizing municipal bond issues for cleansing and reconstruction purposes requires the court to determine whether a public necessity exists, whether the proposed work is temporary and should be made forthwith, and whether the amount of the proposed expenditure is justified by the necessity. Held not an unlawful delegation of power. The act is uniform in its operation, though it applies only to the flood of 1913.

7. Delegation of power. Nalley vs. Home Insurance Co. (Missouri, May 31, 1913. 153 S. W. 769.) Legislative power is unconstitutionally delegated by a statute which requires fire insurance companies to agree upon a uniform form of policy, to be approved by the insurance commissioner of the State. Said to be undistinguishable from delegating the power to prescribe the form to the insurance commissioner alone (92 Wis. 73, 166 Pa. 72).

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8. Suffrage—fifteenth amendment. Cofield vs. Farrell. (Oklahoma, July 29, 1913. 134 Pac. 407.) The so-called "'grandfather" clause sustained. "There are many obvious reasons why it may be fairly assumed that one whose ancestors in former times have taken a part in the management and conduct of governmental affairs by the exercise of the right of suffrage is better qualified to take part in the conduct of governmental affairs though it be he cannot read and write, than one who can read and write but whose ancestors at no previous time had taken any part in the framework or the conduct, the preservation or the management of governmental affairs by means of the exercise of the right of suffrage."

9. Due process; summary proceedings. State, etc., Bank vs. Anderson. (California, June 10, 1913. 132 Pac. 755.) A provision of a banking act which allows the superintendent of banks summarily to take possession of the property and business of an unsafe bank, allowing the bank within ten days to apply to a court to enjoin proceedings, is not unconstitutional.

10. Vested rights—reserved power over corporate charters. D. L. W. R. Co. vs. Board. (New Jersey. Nov. 3, 1913. 88 Atl. 849.) The reserved power does not justify the imposition for alien purposes of provisions not regulative in character; so it does not justify the requirement to carry free certain state officials without limiting such requirement of travel in the discharge of official duties, where the carrying free of such officials does not subserve a distinct public policy. It is conceded that officials may be required to be carried free whose activities affect the interests of railroad companies.

11. Vested rights. St. Germain Irrigating Co. vs. Hawthorn Ditch Co. (South Dakota, September 23, 1913. 143 N. W. 125.) A number of provisions in an act prescribing regulations for the appropriation and distribution and use of water for irrigation, mining, water power and other beneficial uses, held void as violating vested rights; so the general declaration that all waters belong to the public, the requirement of a permit and a fee for leave to dig a well, the loss of riparian rights by non-user for the period of three years, and the liability to share in the cost of a survey upon the mere filing of a suit to determine water rights.

12. Eminent domain—necessity—due process. Cincinnati vs. Louisville & N. R. Co. (Ohio, June 27, 1913. 102 N. E. 951.) The question

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of the necessity of appropriating a portion of public grounds for an elevated railroad cannot be left to be determined conclusively by the railroad company itself. The statutes are so construed as to confer jurisdiction to pass finally upon the question of necessity upon the court.

13. Police power—race segregation. State vs. Gurry. (Maryland, August 5, 1913. 88 Atl. 228.) The city of Baltimore may validly provide for the segregation of the white and colored races, but an ordinance establishing separate residence districts cannot be sustained which omits to afford proper protection for persons who may have acquired a legal right to occupy as residents any building or portion thereof by devise, descent, purchase, lease or other valid legal contract at the time of the passage of the ordinance.

14. Freedom of contract. Adenlofe vs. Hazlett. (Pennsylvania, June 27, 1913. 88 Atl. 869.) A statute declaring that no provision in a contract making the award of an engineer, architect or other person conclusive, or making the certificate of such person a condition precedent to maintaining an action on the contract, shall oust the jurisdiction of the courts, is not justified by any public policy, especially in view of the fact that it does not apply to municipal or other corporations having the power of taking private property for public use.

15. Eminent domain. Pa. Mutual Life Ins. Co. vs. Philadelphia. (Pennsylvania, June 27, 1913. 88 Atl. 904.) The legislature has no power to authorize the acquisition of private property outside of a public park or parkway in order that the city may resell the same with restrictions tending to protect the park or parkway, this not constituting a sufficient public use under the constitution. This decision is interesting as denying the constitutionality of what is known as excess condemnation, at least where not confined to mere remnants of lots.

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BOOK REVIEWS

Precis de droit administratif et de droit public. By MAURICE HAURIOU. Professor de droit administratif a l'université de Toulouse. (Librairie de la Societé du Recueil Sirey, Larose et Tenin, Paris, 1911. Huitième Edition. Pp. xiii, 1032.)

American scholars cannot but admire the enterprise of French publishers and authors for the promptness with which new editions of their books are brought out. The practice among French writers of keeping their treatises, especially those intended for the use of students, up to date, and of getting out new editions every two or three years might very well be emulated by American text-book publishers and authors. The last edition of this well known work appeared in 1911, and was reviewed in this REVIEW for May, 1912 (vol. vi, p. 309).

It has grown in size since the publication of the last edition from a volume of 1010 pages to one of 1032 pages. Although the treatment of the subject matter has not been greatly amplified or changed, the discussion of various topics has been corrected and brought up to date so as to conform to the latest legislation and jurisprudence dealing therewith. The movement of legislation in France has been so rapid within recent years, however, that M. Hauriou's book is still not entirely up to date. For example, his description of electoral procedure on pages 188–189 will now have to be rewritten in consequence of the enactment in July last of a law relating to secret voting—a law which provides for voting under envelope, for the marking of ballots in secret voting booths and which allows the voter to deposit his ballot himself in the ballot box, without handing it to the president of the electoral bureau. The same is also partially true of his discussion of the law of military recruiting, pages 610 et seq.—a law which extends the term of compulsory service in the army from two years to three years, and makes other changes in the military system. It should be said, however, that both the new voting law and the military law are printed in the appendix to his new edition.

Professor Hauriou's work, unlike other treatises on the *Droit Administratif*, represents an attempt to combine the treatment of both the "droit administratif" and the "droit public" in a single book and as a manual

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for the use of students, no other single volume can be compared with it in its scope and encyclopaedic character. The fields of administration, administrative organization and administrative jurisdiction, judicial organization, local government, colonies, public establishments, police, navigation, public domain, expropriation, public assistance, military organization, public functionaries, and, indeed, almost every conceivable question of administrative and constitutional law are fully treated. It is safe to say that no other book contains such a vast amount of information on so wide a variety of topics in French public law as this one, and all students should welcome its appearance in a revised and up-to-date edition.

JAMES W. GARNER.

A History of Continental Criminal Procedure with Special Reference to France. By A. ESMEIN. Translated by John Simpson, with an editorial preface by William E. Mikell and introductions by Norman M. Trenholme and W. R. Riddell. (Boston: Little, Brown and Company, 1913. Pp. xliv, 640.)

This is one of the volumes in the Continental Legal History Series now being published under the auspices of the Association of American Law Schools. It is in the main a translation of the late Professor Esmein's *Histoire de la Procédure Criminelle en France et spécialement de la procédure inquisitoire depuis le XIIIe Siècle jusqu' à nos Jours* which was crowned by the Academy of Moral and Political Sciences. It was the first of the notable treatises in French legal history by this distinguished scholar who, we regret to say, passed away in July last just as the English translation was appearing from the press. The edition from which the English translation is made was thoroughly revised by the author before his death and parts of it were entirely rewritten in the light of the more recent researches of legal scholars. Several chapters devoted to the early jurisdictions of France have been omitted from the translation though the loss has been more than compensated for by the inclusion at the beginning of three chapters on "Types of Procedure," "Roman Procedure" and "Primitive Germanic Criminal Procedure" and the addition of three others at the end on "Procedure since 1800 in Other Countries," "Scientific Literature of Criminal Procedure" and the "History of the Continental System of Evidence." These selections are taken from Professor Garraud's scholarly treatise on *French Criminal Procedure* and from Professor Mittermaier's *Progress of German Criminal*

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Procedure the latter chapters being translated by Thomas S. Bell. Regarding the wisdom of including these supplemental chapters, there will probably be no difference of opinion except, possibly, as to the chapter on "Criminal Procedure since 1900 in Other Countries" which is too brief and sketchy to be of much use to students of legal history, and this is especially true of the less than two pages on American procedure. The most useful portion of this chapter is the comprehensive bibliography which has been prepared by the author with characteristic German thoroughness and which will serve as a guide to those who desire to study with more detail foreign procedure.

The main portion of the work, however, is Esmein's. From a somewhat brief survey of the criminal courts of ancient France, of feudal procedure, which was mainly accusatory in character, of the growth of the inquisitorial procedure during the 13th and 14th centuries, and of the procedure under the ordinances of the 15th and 16th centuries, he comes to the main theme of his treatise, namely, the ordinance of 1670, which definitely established the system of inquisitorial procedure and which remained the basis of French procedure until the Revolution, and is to some extent now. This is followed by an admirable chapter of 72 pages on the development of criminal procedure in other countries of Europe, in which the author traces the main lines of growth, and points out the resemblances and differences. This chapter was rewritten and brought up to date by M. Esmein especially for the American translation.

The third and concluding part of the work deals with the changes in French procedure since the Revolution. With the outbreak of the Revolution, there was a widespread demand for the introduction into France of English methods of procedure, just as there was a little later a demand for the introduction of the English system of parliamentary government (and which was introduced in 1814). In the end, the result of the contest between the advocates of English institutions and their adversaries was a compromise, the terms of which were embodied in the code of 1808. It provided for a mixed form of the accusatory and inquisitorial systems and for the introduction of the jury system, though without the requirement of a unanimous verdict. Oral and public procedure was also introduced. These are today the dominant principles of French procedure.

The whole story of the development of French criminal procedure and its present status as described by M. Esmein is an interesting and scholarly contribution to the literature of legal history, and it can be studied with some profit by those who are dissatisfied, not to say disgusted, with the results of our own procedure. The general opinion in this country

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is that we have nothing to learn from France in respect to methods of criminal procedure, but as Professor John D. Lawson has recently shown in a series of articles in the *American Law Review*, based upon extensive personal observations in France, the French procedure does not deserve all the odium that has been heaped upon it by foreign critics.

The repudiation by the French of the unanimity requirement in respect to verdicts by the jury and their rule which allows the jury to take into consideration the refusal of the accused to testify in his own behalf, have found an increasing number of supporters in this country, and there are even some who are beginning to see certain advantages in the inquisitorial methods of the examining magistrates. The provision of a recent French law which provides a system of reparation for the innocent man who has been convicted upon judicial errors is certainly to be commended and this principle, if no other, might well be introduced into our law. The translation of M. Esmein's work has been well done and American students who cannot read French owe the translator a large debt of gratitude for making this valuable treatise accessible to them in their own language. The occasional translation of *bailli* as "bailiff," of *prêvot* as "provost" and of *roturier* as "villain" is, however, hardly exact since there is no precise English equivalent for these terms. It would be better, we think, not to attempt to render them into English.

JAMES W. GARNER.

Greek Imperialism. By WILLIAM SCOTT FERGUSON. (New York: Houghton Mifflin Company, 1913. Pp. xiv, 258.)

In the first of the seven lectures of which this book is made Professor Ferguson sketches the main lines of imperial development in Greece, and in the rest he characterizes the chief imperial growths which arose there, taking in their natural order Athens, Sparta, the world monarchy of Alexander the Great, and its Diadochian tripartitions, the Ptolemaic Dynasty, the Seleucid Empire and the Empire of the Antigonids. He states the thesis of his work as follows: The city-states of Greece were unicellular organisms which were incapable of growth except by subdivision. But new and old cells could not combine, so the remedy was to change the texture of cell walls so that mutual abhorrence could be changed to mutual adherence. The federal system and the deification of rulers were the germs that worked the change.

Professor Ferguson implies clearly in his thesis the inherent difficulties of his task. The Hellenes were not imperialists. Their intense city-

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stateism always forbade it. Athens and Thebes achieved imperialism, Sparta had imperialism thrust upon her, but no Greek city-state was born imperialistic. Hellenic attacks of imperialism were like the Aegean islands, cyclic and sporadic. But if there was no successful Hellenic imperialism, that fact is nearly forgotten in the real Macedonian and Hellenistic imperialisms, which even if nearly deadened by Hellenic political theory were more than correspondingly quickened by the brilliant although ragged patterns already set for them. The Greeks of the peninsula were never able to reconcile the imperialistic achievements of Alexander and the Diadochi which they felt they had inspired, with their own federalistic attempts which were clearly progressive constitutional successes and yet political failures.

But to attempt to point out the inherent contradictions in Greek imperialism, to look askance at such words as "Perioecs," to suggest that the space given to the Seleucids and Antigonids seems more than they deserve to have, is almost finicky. Professor Ferguson has given us a good book, scholarly in treatment and sane in judgment. His development of imperial deification is clever and convincing. He has many a quick brilliant phrase, as when he likens the tribunate of Rome and the ephorate of Sparta to tyrannies in commission. His judicial appreciation of facts is always in evidence, and perhaps nowhere is it more timely than when he halts the tendency of present-day historians to maximize the irresponsibility of the Athenian assembly, by insisting upon the mechanism of the government, calling the ecclesia the dynamo, and the heliaea the brake on the democratic machine.

RALPH VAN DEMAN MAGOFFIN.

Les transformations générales du droit privé dupuis le code Napoléon. By LEON DUGUIT. (Paris: Felix Alcan, 1912. Pp. 306.)

In this brilliant little volume Professor Duguit traces the development of legal theory rather than of specific legal institutions, although his discussion contains a number of practical illustrations. The volume does for French law somewhat the task accomplished for English law by Dicey's *Law and Public Opinion in England in the Nineteenth Century*, but the French author's philosophical background is more solid, and his discussion is keener than that of Dicey, although at points he presses his theoretical arguments too far. Duguit's volume, however, has little of the wealth of detail which characterizes the English work. The

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author's thesis is that law has to do not so much with individual rights as with group or social interests, and he traces the transition in law from individualism toward social interdependence or social solidarity. The legal theories of the French civil code, as outlined by Professor Duguit, are essentially equivalent to the principles of legal individualism which the courts have embodied into our constitutional law through their application of "due process of law" and "equal protection of the laws." No one can read this work and Professor Dicey's volume without being impressed with the fact that the movement toward the "socialization of law" is a world movement. The problems which we have been facing in this country are the same as those that are being, or have been, solved in other countries. The peculiar characteristic of development in the United States is the retarding influence of the courts through the judicial power to declare laws unconsitutional. It is unfortunate that American lawyers cannot obtain a view of legal development such as is embodied (although oftentimes with too much theorizing) in Duguit's volume, but few of our lawyers read French, and if the volume were translated into English it is feared that its readers would still be few.

Justice and the Modern Law. By EVERETT V. ABBOT. (Boston: Houghton, Mifflin Company, 1913. Pp. xiv, 299.)

This is an interesting and acute discussion of some of our fundamental legal problems. Mr. Abbot in his first chapter states and defends the highly individualistic philosophy of the common law, resting his argument upon a natural rights basis. He insists with much truth that in enforcing the "due process of law" limitation courts are enforcing moral, not legal principles, but he thinks that the courts are the proper custodians of our morals and asserts that "the error is not in the direction of declaring too many laws unconstitutional, but in the direction of not declaring enough laws to be unconstitutional." The author's view of "due process" as a moral standard coincides with his argument that stare decisis should not apply in constitutional cases. While those upholding the judicial attitude during recent years urge that the courts are gradually developing definite standards by which to test constitutionality, Mr. Abbot emphasizes the notion of the court as a moral censor, which in his opinion should apply the indefinite constitutional limitations without any necessary reference to previous decisions. Yet Mr. Abbot's own showing of judicial inefficiency and unwisdom raises a doubt as to whether the courts should be permitted to act as an "all-wise providence."

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The bulk of the volume is devoted to a detailed criticism of judicial methods and judicial logic. The author is on firm ground when he criticises the bad reasoning which passes for argument in so many of our important judicial decisions. As a remedy for present evils he urges the application of pure reason to our system, such an application making necessary the discarding of the principle of stare decisis. In agreement with the natural rights school, Mr. Abbot conceives of law as an unchangeable body of principles which may be developed logically and may be applied to any social condition. He rejects, at least in his theoretical argument, the notion of laws as a social institution, whose principles must adapt themselves to social development. The defect in Mr. Abbot's volume is that of regarding law as if it were a system of formal logic. The development of new legal principles from the "sufficient reason" of judges, often ignorant of conditions to which such principles should apply, may leave us worse off than at present. The principle of stare decisis does not prevent the development of new legal principles by the courts, though such development is slow, and the discarding of this principle would involve a recognition of the judicial function in law-making for which we are not yet prepared. So long as the principle of stare decisis remains, too careful a use of logic would be a hindrance rather than a help, for bad reasoning is perhaps one of the most essential instruments employed by the courts in moving from old to new positions. Logical reasoning would often make our legal system too rigid, and law so long as it is a developing human institution cannot conform to the rules of the logician.

Mr. Abbot's book while interesting is fragmentary, and its later chapters do not measure up to the standard of the first. Its constitutional law is oftentimes not in agreement with that applied by the courts.

W. F. Dodd.

L'Angleterre radicale. Essai de psychologie sociale. (1906–1913.) By Jacques Bardoux. (Paris: Félix Alcan, 1913. Pp. vii. 559.)

The author's varied books and essays are valuable. Together they give a stimulating view of certain sections and aspects of English society but his first interest is the politics of the last twenty years. Here is a foreigner, a keen observer, who knows personally some of the many actors in a drama of extraordinary interest. And he writes with verve

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both of men and statistics. From these earlier volumes he has selected four[1] and now adds a fifth and final volume to form an intellectual series. It might be possible to question the value and significance of this arrangement; in any case it is also difficult within the necessary limits of this review to give a just estimate of this single and interesting book. Inevitably there are no footnotes, though the text includes many quotations and summaries of official statements. But first as to contents.

An analysis of the composition of the Liberal party in 1906 is followed by an estimate of the Labor party which is one of the best chapters in the book. The review of social legislation, 1906–09, is chiefly an introduction to the story in three chapters of finance, parliamentary elections and constitutional change, 1909–11. Then follow chapters on Indian and Canadian nationalism, the "German peril," and *l'idealisme pacifiste*. A last section proposes to deal with the coming crisis; but, starting with a review of industrial conditions, passes to the strikes of 1911–12, imperial defence, and the Irish home rule bill in 1912. The result is that in this final volume on English radicalism the author ends with Lord Lansdowne's enigmatical speech on land reform as reported in the *Times* of July 26, 1912. Indeed this is one of the few instances in which the author points out the significance of his sub-title. Historically the comparative radicalism, whether compulsory or inevitable, of the former Tory party is an essential element in an essay on the social psychology of the English people. But this the author denies.

Nevertheless the main difficulty in any present view of politics within the British Empire is the failure of party divisions to supply correct estimates of ultimate social results. Thus M. Bardoux in his pages on Irish affairs fails to appreciate the essential economic division between town and country to which the present religious and political strife between industrial Ulster and agricultural Irish nationalism is only a prelude. Likewise the chapter on India which emphasizes Muhammadan loyalty fails in its estimate of nationalistic tendencies to do much more than to follow the rise or decadence of political societies and to summarise the contents of remedial political measures. The danger for the future he

[1] *Essai d'une psychologie de l'Anlgeterre contemporaine.*

I. *Les crises belliqueuses (1815-1900).* Paris, 1906.

II. *Les crises politiques. Protectionisme et radicalisme (1900-1905).* Paris, 1907.

Silhouettes d'Outre-Manche. Paris 1909.

Silhouettes royales d'Outre-Manche (2d edition). Paris, 1911.

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apprehends; but he does not appreciate the recent intellectual and spiritual shock which has led to the increasingly cynical understanding of Christendom on the part of both heretical and orthodox Muhammadans throughout the world. And radical England rules directly more than fifty million of Muhammadans to say nothing of other millions within the purlieus of its empire. Furthermore the radicalism of Australasia and the problems of race and of labor in South Africa nowhere find acknowledgment even in their possible reaction on home affairs. Nor is there adequate treatment of the feminist movement in England.

On the whole whatever we may think of the psychological limitations of this book there are comparatively few errors of fact and, despite the author's evident partiality for the picturesque radicals he has met the volume remains as to its heart a just verdict of appreciation as to the essential features of 1909–11, those glowing years in domestic politics.

ALFRED L. P. DENNIS.

A Short History of English Liberalism. By W. LYON BLEASE. (New York: G. P. Putnam's Sons, 1913. Pp. 374.)

The author defines liberalism as a habit of mind which causes one to assume that all other people are of equal capacity and equally entitled to enjoy offices and privileges, which refuses to admit class distinctions, which upholds individual freedom, and allows the individual to be coerced only when he attempts to restrict the freedom of others. Toryism he understands to be that habit of mind which refuses to concede to others the right of free expression which it requires for itself. The waning of the one during the nineteenth century and the growth of the other since the time of the industrial revolution are described in the narrative of his book.

The development of liberalism is traced from the time of George III, when both political parties were in spirit essentially Tory, and real liberal principles were held only by a small section of the Whigs, through the period of the French Revolution, when radical reformers propounded doctrines which brought about repression, through the years following Waterloo, when the real decline of Toryism commenced, to 1832 when the old government of aristocrats was overthrown and middle-class supremacy established, on through the days of the Manchester School and Palmerston, to the time of Gladstone, when liberalism won decisive triumphs. There is finally an account of the imperialist reaction after

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1886, and then a summary of the mighty liberal reforms made under Mr. Asquith and Mr. Lloyd George, and what the writer considers to be the failures of the foreign policy of Sir Edward Grey.

For the more recent period the work of the author is based upon that which he himself has observed and upon studies made at first hand. For the earlier years his account is founded upon reports, contemporary pamphlets, and the speeches and writings of leaders, while he discovers an inexhaustible mine of material in the *Parliamentary Debates*, which are used skilfully and with success.

Notwithstanding certain parts of the work, such as an excellent discussion of the development of party machinery and the increased power of the cabinet in government, it is probable that the book will be of more direct interest to readers of history than to students of political science. Even where the writer discusses parliamentary procedure and political reform, as he frequently does, it is the spirit rather than the method that he dwells upon. In so far, however, as the sudent of politics is interested in the changing characters of the age and in the great social reforms which are being demanded of legislatures, he will find in this book some material not generally used and much that is not usually assembled in one work.

The author is uncompromisingly liberal. If his own premises are granted, he is obviously fair, though even when he acknowledges the good work of Conservative governments, he finds that they make reforms rather for the sake of efficiency than for the principle of popular freedom. The social and economic legislation of recent years he explains and defends. There is no impediment of sex, class, nationality, race, or color which he admits as an obstacle in the way of applying those liberal ideas which he upholds. Nowhere is the woman's suffrage movement better described or championed more ardently. The imperialist policy of his countrymen he considers to be one of the chief sources of the threatening hostility of Germany. His generous ardor sometimes leads to warm expression; but altogether the reader is apt to feel that he has fairness of mind and honest zeal as conspicuous virtues.

I have noticed one or two misprints, a few errors of fact, and occasionally some careless statement or expression, but it would be disproportionate to chronicle them here. The book is well printed, it is written in clear and interesting fashion, and is well worth reading. The index is too scanty to be of much service.

EDWARD RAYMOND TURNER.

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Memoirs of Li Hung Chang. Edited by WILLIAM FRANCIS MANNIX, with an introduction by Hon. John W. Foster. (Boston: Houghton Mifflin Company, 1913. Pp. xxvii, 298.)

A volume which will not only greatly interest the general reader but will be of value to the special student is the recently published *Memoirs of Li Hung Chang*, edited by Mr. William Francis Mannix, of Shanghai, with an introduction by former Secretary of State John W. Foster. It goes without saying that the greatest Chinese statesman and diplomat of the last generation could shed a flood of light upon the history of that country since it came into intimate relations with the western powers. And from what we knew of Li's incisive comments and keen sense of humor it was to be expected that his occasional notes would always repay the reader.

The present volume, however, is only a selection from the vast store of manuscripts left by the late viceroy. We are told that these documents were gathered together from "half a score of Chinese cities," and for the past two years an English and two Chinese scholars have been engaged in translating them. The entire writings amount to about 1,600,000 English words. The present volume contains approximately 90,000 words, including the editor's comments. If the unpublished portion of the manuscripts maintains the high interest and value of that now issued, the *Memoirs* will be of surpassing value. The satisfaction of reading the present selections is only marred by an eagerness to read the balance, which it is to be hoped will soon be forthcoming.

The selections are arranged topically, and although they cover a wide range of subjects, yet the choice has been made to meet the interest of western readers. The largest group of extracts deals with the viceroy's tour of the world in 1896. His shrewd comments on persons and conditions in Europe and America offer perhaps the most entertaining pages of the *Memoirs*. If the American newspaperman considered Li an unfailing source of "copy," he, in turn, enjoyed them immensely. Russia he remembered in terms of the beautiful Czarina, Germany in terms of Bismarck and Krupp, Gladstone represented England, and apparently President Cleveland and Governor Hastings, of Pennsylvania, embodied America. Another group deals with the Boxer rising. The reforms of 1898 was received with doubtings and the coup d'etat which followed is described in a single sentence: "She is once more again in name—as she has ever been in fact—the ruler;" then came the removal of Li to Canton so that the conspirators could have free rein in Peking; and there

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the old statesman learned, in anguish, of the wild doings in the capital. Unable to prevent the Boxer madness he was called upon later to save the throne from the vengeance of the allies. At first he determined not to proceed north, but a second imperious summons brought him to the aid of the Old Buddha. During the long negotiations with the powers he frequently recognized the strong aid of the United States.

There is much of interest, also, in the chapters devoted to his views on Christianity, his relations with General Gordon, the Japanese war, and the opium traffic. The translators have certainly rendered the Chinese into very expressive English. So expressive, in fact, that Chinese scholars at first were in doubt as to the authenticity of the work. The *Memoirs* offer a splendid choice of quotations, but space is lacking. For the light which they shed on the character of this premier representative of China, and on his services to the throne, the *Memoirs* deserve marked consideration.

PAYSON J. TREAT.

The Britannic Question. By RICHARD JEBB. (London: Longmans Green and Company, 1913. Pp. ix, 262.)

Mr. Jebb has already established his reputation as one of the ablest advocates of the principle of colonial nationalism. His views represent an interesting combination of the political dogmas of liberalism with the economic tenets of tariff reform. He presents his political philosophy with singular ability and force, but like many a political prophet, is rather intolerant of all conflicting faiths. Old colonial reformers would indeed be surprised to learn that the principles of religious freedom and colonial autonomy for which they so long struggled, were essentially the product of environmental conditions; and many broad-minded young Conservative imperialists of today will be even more surprised to find their political principles described as lacking in democratic sympathy and as based upon the need for the creation of a central authority, equipped with power not only to repel aggression, but also "to repress interstate disturbances or any attempt at secession." Such a mode of presentation may be admirable as an impressionist picture of politics, but it is scarcely worthy of a philosophic study.

The author's analysis of the alternative policies of federation and alliance is a much more critical and constructive piece of work. His argument is particularly effective in bringing out the intimate relation of commercial and foreign politics, but in dealing with the fiscal aspect of

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the policy of Brittanic alliance, he gets on uncertain ground. This policy he would rest upon the sure foundation of "a complete pooling of the economic interests of the empire." He assumes, almost without question, that these interests are essentially reciprocal in character; but if one may judge from the fiscal differences of the motherland and the colonies, the Bond and Fielding negotiations with the United States, the existing discriminating intercolonial tariffs and the failure of the Canadian and New Zealand governments to conclude satisfactorily customs agreements with Australia, this assumption would appear to be of somewhat doubtful validity. A study of Professor Skelton's recent article on "Canada and the Most Favored Nation Treaties," might have led Mr. Jebb to qualify his contention that English or colonial preferential arrangements with foreign states are incompatible with imperial unity. Such agreements may or may not be politically expedient, but they have long been a distinctive feature of English colonial policy.

But the fundamental defect of Mr. Jebb's position is that he endeavors to solve the problems of empire by a single formula. It has never been the genius of the English people to develop their system of government upon uniform theoretical principles. The history of the English constitution is a succession of compromises. Is it not then more reasonable to believe that the same empirical spirit will prevail in imperial politics and that the reorganization of the empire will be worked out on opportunist and utilitarian lines, rather than according to the strict tenets of either of the contending schools of imperialists? Such, moreover, has been the course of imperial development since the grant of colonial autonomy.

C. D. ALLIN.

The Psychology of Revolution. By GUSTAVE LE BON. Translated by Bernard Miall. (New York: G. P. Putnam's Sons, 1913. Pp. 337.)

In this book M. Le Bon applies to the phenomena of revolutions the principles which he has deduced in a series of preceding psychological studies. Without including such special or incidental essays at the *Psychology of Socialism* and the *Political Psychology*, this series consists of *The Psychology of Peoples*, in which it is shown, as the author boldly affirms, that the historic races "finally acquired psychological characteristics as stable as their anatomical characteristics;" *The Crowd: A Study of the Popular Mind*, in which, he asserts with equal confidence, "these crowds or mobs" appear as having "characteristics absolutely different

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from those of the individuals who compose them;" and the *Opinions and Beliefs*, in which the conclusion is reached that "besides the rational logic which conditions thought, and was formerly regarded as our sole guide, there exist very different forms of logic: affective logic, collective logic, and mystic logic, which usually overrule the reason and engender the generative impulses of our conduct."

The present work presents the conspicuous merits and the not less conspicuous faults of its predecessors. The style is clear, forceful, and attractive. The book is easy and pleasant reading. It is an artistic piece of composition. Moreover the analysis of the discussion is admirable. One can take in at a glance the whole course of the argument, the entire literary process. The brilliancy of epigram, antithesis, and climax challenges the attention and lures the imagination. After the "Introduction" on the "Revision of History," the text comprises three Parts. The first part, on the "Psychological Elements of Revolutionary Movements," treats, in the four chapters of book I, the "General Characteristics of Revolutions;" and, in the five chapters of book II, the "Forms of Mentality Prevailing During the Revolution." The second part, in three books, is concerned entirely with the French Revolution: book I, in four chapters, being devoted to the "Origins of the French Revolution;" book II, in seven chapters, dealing with the "Rational, Affective, Mystic, and Collective Influences active during the Revolution;" and book III, in three chapters, discussing the "Conflict between Ancestral Influences and Revolutionary Principles." The third part, in three short chapters, traces the "Recent Revolution of Revolutionary Principles."

M. Le Bon has chosen a most fruitful field for the study of the "social mind," and especially for the study of the varied aspects of crowd-psychology. His treatment of the rôle of belief in evolution and in revolution is often enlightening; and incidentally he has made acute and helpful applications of the psychology of suggestion. Nevertheless it can hardly be admitted that in this book, taken as a whole, he has made a sound contribution to social psychology. It is pervaded by grave faults of temper and of treatment which render it a very misleading if not positively harmful guide to the understanding of an important problem. In the first place, the author displays no adequate analysis of group psychology. To him, apparently, all crowds are mobs, and the psychic or moral character of the crowd is always lower than that of its individual members. It is now pretty clearly understood that such is not the case. The conduct of a crowd may be highly rational;

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and on occasion it may rise to a loftier ethical plane than that of the average conduct of its members. Again the suggestibility of crowds varies greatly according to age, sex, race, temperament, or mental condition. The conductibility of a mob of hungry and therefore hysterical peasants is much greater than that of a crowd of well-fed burghers; and there is a vast difference between a deliberative town-meeting and a mob generated by a bank-panic. According to Le Bon, ours is the "era of crowds;" whereas more justly it should be regarded as the age of publics whose rationality grows ever more logical with the steady advance of popular education and democratic social control.

More serious faults are due to the author's temper and his prepossessions. His book is virtually a piece of elaborate special pleading. Its thesis, its goal, appears to be fixed in advance. It is inspired by a profound distrust of the capacity of the people for self-direction and self-control. The author dislikes the French Revolution, which he regards as a needless social catastrophe due to mob-mind; and his hatred of socialism amounts to a veritable obsession. Scarcely less set and bitter is his prejudice against the basic principles of modern democracy; although, to accent his harsh denunciation of present popular tendencies in France, he refers to England and the United States as practically the only existing examples of "truly democratic nations."

It would be easy to select many examples of these blemishes and of the unscientific over-statement through which the author seeks to impress his fixed ideas. Thus, referring to the merciless slaughter of the "fanatics" by the Russian government after the war with Japan, he announces that "such extermination is the only method discovered since the beginning of the world by which a society can be protected against the rebels who seek to destroy it." In like spirit, in commenting on the rôle of "criminal mentality" in revolutions, he affirms that "all the revolutionaries, all the founders of religious or political leagues, have constantly counted" on the "support" of the "two categories—habitual and occasional criminals." The same cocksureness is shown in his treatment of democratic beliefs. "No government is conceivable to popular democracy," he asserts, "except in the form of an autocracy." Again he exclaims, "Energy and hatred seem from all time to have been inseparable from democratic theories, but the spread of these sentiments has never been so great as today." When "Tocqueville spoke of the general aspiration towards equality" in America, "he did not realize that the prophesied equality would end in the classification of men founded exclusively on the number of dollars possessed by them. No other exists in the United

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States, and it will doubtless one day be the same in Europe." With like dogmatism he asserts, "We know that in America the invasion of Chinese and Japanese, owing to the competition between them and the workers of the white race, has become a national calamity." Because of the menace of Chinese labor, he agrees with General Hamilton that it may be the destiny of the white race to disappear. "In my humble opinion," writes Hamilton, "this destiny depends upon one single factor: Shall we or shall we not have the good sense to close our ears to speeches which present war and preparation for war as a useless evil? I believe the workers must choose." As a safeguard "they must cultivate in their children the military ideal." All this to accent the alleged folly of the ideal of social equality! According to Le Bon, progress through legislative or institutional reform is a dream. He would doubtless agree with the privileged class in America that "you can't make people better by law." He speaks of the cruel "behaviour of the base populace so soon as imprudent hands have broken the network of constraints which binds its ancestral savagery." For "the great civilizations have only prospered by dominating their lower elements." The "struggle of the blind multitudes against the elect is one of the continuous facts of history, and the triumph of popular sovereignties without counterpoise has already marked the end of more than one civilization. The elect create; the plebs destroy."

Yet it is certain that the new humanism of our age, so much broader and deeper and nobler than the humanism of the fifteenth or any other century, is almost wholly the progressive creation of advancing democracy.

GEORGE ELLIOTT HOWARD.

Zouche, Richard: Juris et Judicii Fecialis, sive, Juris inter Gentes et Quaestionum de Eodem Explicatio. Edited by THOMAS ERSKINE HOLLAND. Vol. I—A Reproduction of the First Edition (1650), with portrait of Zouche, Introduction by Professor Holland. Pp. xvi, 204. Vol. II—A Translation of the Text, by J. L. Brierly. Pp. xvii, 186. (Washington, D. C.: Carnegie Institution, 1911.)

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Ayala, Balthazar: De Jure et Officiis Bellicis et Disciplina Militari. Edited by JOHN WESTLAKE. Vol. I—A Reproduction of the Edition of 1582, with portrait of Ayala, Introduction by Professor Westlake, etc. Pp. xxvii, 226. Vol. II—A Translation of the Text, by John Pawley Bate. Pp. xvi, 245. (Washington: Carnegie Institution, 1912.)

These two works, the first in the series Classics of International Law published by the Carnegie Institution, have brought to their service as editors two of the most eminent English publicists of the day, Holland and the lamented Westlake. The general plan of both works is the same. They begin with an editor's introduction, which includes a biographic sketch of the author, a summary of his writings in general and a detailed and somewhat critical account of the special work under review. Then follows a photographic reprint of an early edition of the work, and in a separate volume a translation of each. The scholarship of the translators, Mr. Brierly and Dr. Bate, merits special commendation.

The work of Zouche (1589–1660) is by far the more valuable and the author himself the more interesting of the two. One of the early holders of the Regius professorship of civil law at Oxford, he still found time for an active career at the bar and as judge of the admiralty, and his versatility as a writer is evidenced by sixteen different works (p. vii). The present work, generally known as his *Juris inter gentes* (1650) was the last of a series of monographs on law which he planned years before and carried into execution. It is notable for several reasons. Zouche, so Holland assures us (p. xiii) was the first to conceive of the topic of the law of nations as a whole—Grotius' treatment he believes to be too partial to war—and to subordinate war to its proper place as one of the remedies to vindicate the rights which nations enjoy in time of peace. Again, it was his great contribution to substitute the name *jus inter gentes* for the ambiguous *jus gentium*. Zouche's suggestion, through Jeremy Bentham, has become embodied in our modern term "international law." Vom Ompteda considers Zouche's work the first text-book of the whole law of nations, and Rivier regards him as the second founder of international law. Zouche made valuable use of the writings of his predecessors. The book itself follows a rigid division of subjects into persons, property, duties and wrongs, and in no respect adheres to our familiar divisions of peace and war and the well-known classifications. The work is not indexed, but a long table of contents facilitates its use. The

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editor, in a paragraph or two, has related the subjects discussed to a division of peace and war.

Ayala (1548–1584) occupied an office comparable with that of "judge-advocate-general" of the armies of Philip of Spain. His book is an attempt to record certain rules of conduct (including the morals and ethics) of internal military discipline, of actual war and of incidental belligerent relations. His views reflect the reactionary spirit of the servitor of royalty of his time, e.g., rebellion is characterized as an abhorrence, comparable to heresy. The book is not a concise exposition like Zouche's, but consists of a collection of notes loosely thrown together into book form. The book at the present day has little more than a historical value. Grotius, although well acquainted with the book made but little use of it. Modern students will find it interesting as showing the wide difference between Ayala's harsh rules for the conduct of war and the modern humane principles and rules developed from Lieber's rules of 1863 and the conventions of Brussels, Geneva and the Hague. The work is divided into three books of which only the first deals actually with the rules of war and international law. This book takes up the moral causes of war, and then proceeds to the legal aspect. Book II is a treatise on the maxims of policy and prudence in the conduct of war and state craft in general; and Book III is concerned with military discipline and administration.

The present edition of these works is marked by a painstaking attention to style, form and general detail. The workmanship throughout is excellent.

EDWIN M. BORCHARD.

La paix armée. L'Allemagne et La France en Europe (1885–1894). By PIERRE ALBIN. (Paris: Félix Alcan, 1913.)

We are indebted to the *Bibliotheque d'histoire contemporaine* for a series of valuable monographs on recent political and diplomatic history. In the present volume the author offers us a careful study of the relations between France and Germany during the critical decade following the congress of Berlin. He undertakes to answer the several questions which he himself suggests as naturally coming to one's mind in reading the history of that period. How was it that the generally peaceful relations existing up to the year 1885 gave way to a situation at first of distrust, then of positive hostility? And further, how was it that, in spite of the violent recriminations of the press on either side, and of certain frontier incidents of an irritating character, peace was not actually broken between the two countries?

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The first part of the work deals with the military rivalry between France and Germany. With the fall from power of Jules Ferry the efforts of the French government in the direction of colonial expansion became less marked, and the interests of the government began to center round the projects of the new minister of war, General Boulanger. The proposed increase in the size of the French army, the similar counterbalancing proposal in the Reichstag, the renewed clamors for *revanche* on the part of the nationalist elements of public opinion in France, the Schnaebelé incident, are all graphically described. The fall of Boulanger in 1889 calmed the agitation for war in France, as did in Germany the fall of Bismark in the following year.

The second part of the work treats of the formation of the Franco-Russian alliance. The author traces, step by step, the growth of closer relations between France and Russia after 1871 and the gradual widening of the breach between Germany and Russia after the Congress of Berlin, in 1878. It is interesting to note the series of incidents, trifling in themselves, which marked the advance on the part of France and Russia from cordial relations to a friendly understanding and thence to a definite and positive alliance. "From the first months of the year 1889," says the author, "a new era of Franco-Russian friendship set in. The financial support of France has been given to Russia, and the first operation carried out on the Parisian money market has been followed necessarily by others. French manufacturers of arms have begun to make the new guns for the Russian army; and in return Russia has undertaken to study the bases of an agreement in virtue of which the Russian government, in a manner and to an extent yet to be determined, will strengthen and render permanent the position and security of France. There was not yet, any more than there was two years before, a question of an alliance. But there was indeed between the two countries a *definite understanding looking to a future contract.*"

The author makes in his preface some judicious remarks with regard to the difficulty of writing modern history in an impartial and scientific manner; and while he frankly confesses that he cannot hope to have "entirely eliminated his personal point of view" upon a subject in which the sentiment and patriotism of a Frenchmen are so deeply involved, he believes that he has not taken sides from passion and without good grounds. The volume is written with that charm of style, characteristic of French historical writing, which breathes into the dead facts of history a living spirit.

C. G. FENWICK.

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Common Sense in Foreign Policy. By Sir Harry Johnston. (New York: E. P. Dutton and Company, 1913.)

This is a frank and unabashed statement of what Great Britain wants in the world, or at least what the author thanks she wants, and it is a relief after reading it to examine the map of the world and find that there is still a considerable portion of the earth's surface left unclaimed by Great Britain. Setting aside the justice of Great Britain's claims in particular instances, one cannot but marvel at the administrative ability of a nation which is able to maintain its supremacy and assert its interests in so many and such diversified parts of the globe.

In the opening chapter of his book, the author draws up a list of the "only things worth fighting for or against," so far as Great Britain is concerned, and among these things, which are at the same time "unquestionably *casus belli*," we find not only the territorial integrity of Holland, Belgium, Luxemburg and Denmark, but the interference by any other power with Egypt or Sinai, with the British sphere in Arabia, or with the independence and neutrality of all the rest of Arabia, the attempt by any other European power to obtain control of southern Persia east of Bandar Dilam, any interposition of a foreign influence in Siam west of the Menam River and the Gulf of Siam, any interference with free trade in China or Tibet, any setting aside of the principle of free trade in South America, whether imposed by a foreign power or voluntarily adopted by the states themselves, as well, of course, as any attack upon the territory of the British Empire. A formidable array to the uninitiated.

In separate chapters dealing with the relations of Great Britain to France, Germany, Austria, Hungary, Russia, Portugal and America, the author sketches the lines along which the interests of Great Britain conflict or harmonize with the policies of those powers. If he takes considerable liberty in assigning to the great powers their future position in the world at the expense of the independence of the native races and smaller nations of Africa and Asia, it is but fair to say that he has in view not the exploitation of those countries, but their gradual development into self-governing colonies.

The book is written with the object of furnishing information upon foreign affairs to the man in the street who in this democratic age can make his voice heard, through press and parliament, in the decisions of the foreign office; and it may be commended as presenting within brief compass a comprehensive view of the imperial interests of the British Empire.

Charles G. Fenwick.

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The Essentials of International Public Law. By AMOS S. HERSHEY. (New York: Macmillan, 1912. Pp. 558.)

This is a text-book intended to adjust itself to the needs of a short or a long course in international law. It treats of the positive results of international law in concise statements intended primarily for the use of students. Its only title to consideration as a book for the specialist as well, as is claimed in the preface, lies in the fact that it is copiously supplied with footnotes and the fact that extensive bibliographies are appended to the various chapters. In this respect the book fills a place hitherto unoccupied by an American treatise on international law, although several foreign general treatises, such as those by Oppenheim, Bonfils and Despagnet are marked not only by clear statements of international legal principles but are also noted for their extensive bibliographic references. The list of authorities at the beginning of Hershey's work constitues in itself a useful bibliography of the important treatises on international law.

The arrangement of the work follows the customary divisions of general treatises on international law. Throughout the book the painstaking work of the author is evident. Tests made in various portions of the book indicate that controversial matters and proposed rules of *lex ferenda* have not been overlooked, although their treatment is necessarily brief. Bibliographic references are made not only to special works but also to specific sections of general treatises. Occasionally it may be noted that the author does not refer to the latest editions of general treatises; e.g. references are made to the fifth edition of Hall, (pp. 169, 175) and to the third edition of Liszt (p. 14) whereas the sixth and eighth editions respectively of these works were in existence when the book was written. The ninth edition of Liszt (1913) has just been published. A few minor criticisms do not seriously detract from the value of the work, e.g. on page 262, note 64, the statement that France refuses the use of her tribunals where the plaintiff and the defendant are both foreigners is misleading, inasmuch as the many exceptions to this general rule have made it of exceedingly narrow application. Nor are aliens (note 65) subject to the laws of their national state, except in so far as their national law expressly so provides. Occasional typographical errors have crept in, especially in the spelling of proper names and foreign words, e.g., in the name Férand-Girand (p. xxvii), the letters "n" should be "u." Accents have frequently been omitted.

A rather full index referring both to text and to notes facilitates the

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use of the book. The work as a whole is a contribution to the American literature on the subject and, as a text-book, it merits popular favor.

EDWIN M. BORCHARD.

A Treatise on the Sherman Anti-Trust Act. By W. W. THORNTON. (Cincinnati: The W. H. Anderson Company, 1913. Pp. lxiii, 929.)

The commerce power of congress has become such an important topic in United States constitutional law that numerous special treatises dealing with it have been demanded. In the work under review we have a large volume devoted to the consideration of a single statute passed by congress in the exercise of its commercial power. The aim has been "to present an accurate result of each decision on the statute so full that little or no resort to the original report of the decision will be necessary. Some case in a state court may have been overlooked but it is his [the author's] belief that there is none. Assuredly none has been overlooked which has been rendered by a federal court and which has been reported at the date of going to press." Mr. Thornton has done more than this. He has read, and quotes liberally from, many articles contributed to the legal periodicals of the country, and this constitutes one of the special merits of the volume. Whether the reading of this book will make unnecessary a resort to the reports may be doubted, but certain it is that the excerpts from the opinions are so generous, and so well made, that from the treatise the student may obtain a full knowledge of the statute in the light of the interpretations which it has received.

The volume contains no great amount of critical or philosophical discussion. Mr. Thornton has confined his task almost wholly to one of exposition, but this task he has excellently performed. The arrangement of the chapters, and their subdivision into topics, is very good. The procedural as well as the substantive features of the act and of its administration are covered, and introductory chapters are provided dealing with the congressional history of the statute and with the principles of the common law governing monopolies, contracts in restraint of trade, trusts and combinations. The table of cases is complete and the index adequate. It cannot be questioned that the volume gives the best exposition that we have of the anti-trust act of 1890.

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The Theory of Social Revolutions. By BROOKS ADAMS. (New York; Macmillan, 1913. Pp. vii, 240.)

This work while filled with errors and hasty generalizations, possesses the quality of stimulating thought. Mr. Adams' primary contention is one against judicial authority in political matters. He contends that "no court can, because of the nature of its being, effectively check a popular majority acting through a coördinate legislative assembly. . . . . The only result of an attempt and failure is to bring courts of justice into odium or contempt, and in any event to make them objects of attack by a dominant social force in order to use them as an instrument. . . . . Hence in periods of change, when alone serious clashes between legislatures and courts are likely to occur, as the social equilibrium shifts the legislature almost certainly will reflect the rising, the court the sinking power" (pp. 76, 77).

Mr. Adams regards the courts as properly a group of passionless persons administering a body of abstract principles (pp. 76, 81), and insists that our system has made the courts largely bodies for the registration in law of the dominant economic and social interests of the community (pp. 89–131). "In fine," he says, "whenever pressure has reached a given intensity, on one pretext or another, courts have enforced or dispensed with constitutional limitations with quite as much facility as have legislatures, and for the same reasons." In this view the author is to a large extent right, as he is also in the position that courts must in the long run fail whenever they seek to interpose constitutional barriers against legislation approved by the better judgment of the community (p. 111).

The author assumes that "those who, at any given time, are the strongest in any civilization, will be those who are at once the ruling class, those who own most property, and those who have most influence on legislation" (p. 132). Capitalism, in his view, has been this dominant force in the community, and now as it is losing its power, seeks to entrench itself behind political courts. Mr. Adams thinks that such a policy may prove disadvantageous to capital, in that with a change of power, the political court will be employed as an instrument against capital itself. This contention he seeks to illustrate by a lengthy discussion of political tribunals during the French revolution.

Mr. Adams is probably correct in his contentions that our courts have too much political power and that such power will tend to be employed in the manner approved by the dominant sentiment of the community

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at any one time. But he seems to be clearly in error in regarding law as properly a body of abstract principles divorced from political principles and administered by a group of passionless persons. So long as society is developing, law also must develop, and in any system of government those who administer the law will be influenced by social changes and will themselves serve to some extent at least as instruments for the adaptation of law to those changes. A system of courts absolutely free from political and social influences would be equally as harmful as a system dominated by such influences.

The Supreme Court and Unconstitutional Legislation. By BLAINE FREE MOORE. (New York: Columbia University Studies in History, Economics and Public Law, vol. liv, no. 2, 1913. Pp. 158.)

Dr. Moore's monograph contains three chapters dealing respectively with the early attitude of the state courts toward judicial control over legislation, the attitude of the United States Supreme Court in passing upon the constitutionality of state and federal statutes, and an analysis of the federal statutes held void by the Supreme Court of the United States. These chapters are followed by valuable tables of cases in the Supreme Court of the United States, in which statutes have been held invalid. For the state statutes declared unconstitutional a chronological list of cases is given, and there are also tables arranged by States and by the constitutional clauses with which the legislation was held to conflict. There are also statistical summaries of state statutes held unconstitutional by the Supreme Court of the United States, and of cases in which statutes contested as unconstitutional have been upheld.

Aside from the first chapter the discussion is confined entirely to action by the Supreme Court of the United States. In his discussion of the court's attitude in cases holding laws unconstitutional, Dr. Moore refers to cases in which no reluctance was expressed when federal statutes were nullified, and assumes that the attitude of the court has in most cases not been one of reluctance. He refers then to a number of the earlier cases affecting state statutes in which the court did express reluctance, and says that before 1832 the court exercised such power with respect to state statutes with great reluctance, and that a change came into this attitude after 1832 (pp. 65, 66). The reviewer wonders if Dr. Moore has not given too much weight to judicial expressions, which in many cases merely paid lip-service to the principle already announced, that the courts would declare laws unconstitutional only with great

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reluctance and when the unconstitutionality was clear beyond a reasonable doubt. There was a change of language, perhaps, due in part to the change in the position of the States, especially after the Civil War, yet it must be remembered that the earlier expressions of deference did not interfere with the continuous exercise of power by the United States Supreme Court to declare state statutes unconstitutional. Moreover, under Taney's chief-justiceship some state laws were upheld which would clearly have been annulled while Marshall was on the court, and an annulling with an expression of reluctance was, in fact, as to some cases, a stricter use of judicial power than after 1832 (Warren Bridge Case and Briscoe vs. Bank of Kentucky). Of course in recent years, the frequent exercise of judicial power under the broader constitutional guaranties has brought about a substantial change in the attitude of the courts, but no essential change in judicial attitude can be said to have taken place about the year 1832.

With respect to judicial expressions concerning reasonable doubt and reluctance to pass upon the question of constitutionality, Dr. Moore comes close to the point when he remarks that such expressions are more frequently found in dissenting opinions. Had he extended the study to cases in which statutes have been upheld, he would have found that the determination to sustain legislation is frequently supported by the statement that courts are reluctant to declare statutes invalid unless the conflict with the constitution is clear beyond a reasonable doubt. What the court says is of interest, but what it does is much more important. It may be well to call attention to the fact also that in many of the earlier cases the expressions of the court were frequently ones regarding the importance of the case rather than expressions of real reluctance to pass upon it.

Dr. Moore's third chapter analyzes the cases in which federal statutes have been declared unconstitutional by the United States Supreme Court and here his work is of very real value in that it seeks to determine the effect of such decisions. In some respects Dr. Moore's statements about a case do not harmonize with each other as, for example, the comments upon the case of Counselman vs. Hitchcock (pp. 107, 108, 115). Here also the subsequent interpretation given to the immunities clause obviates the difficulty with respect to corporations to which the author refers on page 107, and this development deserved attention in the author's discussion.

In his treatment of the results accomplished by decisions the author is, perhaps, too much inclined to look at the words of the court rather than to study out the effects of the court's decision. He is, of course, per-

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fectly right in saying that the court has failed whenever it has attempted to settle an important political question by judicial decision (pp. 123, 124). In such matters the failure of the judicial decision is pretty clear, but in less important matters the court often by gradual steps withdraws from a position it has once taken. Such a withdrawal, taking place largely by indirection, is not easily detected until the transition is completed. So, for example, the court has already departed to a large extent from the principles on which the Adair case was based, and may find it possible to avoid later the effects of that decision.

A case which has been decided by the court since Dr. Moore wrote shows clearly the manner in which the court may, without overruling itself, reach a position different from that taken in an earlier decision. In the first Employers' Liability Cases, 207 U. S., 463, an act of congress of 1906 regulating the liability of interstate carriers to their employees was declared invalid because not limited to the interstate business of such carriers and to the employees of such carriers who were themselves engaged in interstate commerce. Congress substantially reënacted the legislation in 1908, providing expressly that it should be applicable to the interstate commerce business of railroads and to the employee "while he is employed by such [interstate] carrier in such [interstate] commerce." The act was then upheld in the Second Employers' Liability Cases, 223 U. S. 1. In Pederson vs. Delaware, Lackawanna and Western R. R. Co., 229 U. S. 146 (May 26, 1913) the court, in a decision approved by six members, held that a workman employed in carrying materials to be used in the repair of a track upon which interstate commerce passed, was himself engaged in interstate commerce. This decision goes a long way toward bringing within the terms of the 1908 valid law the employees because of whose inclusion the 1906 law was held invalid. Yet nothing in any of these decisions indicates the result so accomplished.

Dr. Moore's monograph is of especial value as a study of the manner in which judicial power is exercised and of the results of such exercise. Most of the discussion of this subject has been from a purely legal standpoint, and has failed to recognize that the judicial control over legislation, as one of our most important political or governmental institutions, must, like all other such institutions, be judged by its results. The reviewer hopes that Dr. Moore may continue his work by analyzing the cases in which the United States Supreme Court has declared state statutes unconstitutional. This would be, of course, a much larger and more difficult task than that which the author has here undertaken.

W. F. Dodd.

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Federal Incorporation: Constitutional Questions Involved. By ROLAND CARLISLE HEISLER. (Boston: The Boston Book Company. 1913. Pp. 231.)

This volume, which is one of the University of Pennsylvania Law School Series, is an interesting and valuable constitutional study. Its primary purpose is the discussion of the constitutional questions involved in the power of the United States to incorporate, and, when incorporated, to regulate transportation, trading and manufacturing companies. Incidental to this chief topic is the consideration of the constitutional powers of the United States with reference to these federal corporations, and the authority of congress to exclude the products of state corporations from the mails and from interstate and foreign commerce, or to prevent such corporations from doing business as carriers, or trading therein. The work thus broadens out into a general discussion of the limits of the federal commercial power, whether with reference to its affirmative regulation, or to the imposition of limitations upon state chartered concerns. The taxing power of the States in its relation to interstate and foreign commerce is discussed at great—indeed at rather disproportionate—length. The possible jurisdiction of the federal courts over suits by or against federal corporations is also considered, and a final chapter is devoted to the meaning of the phrase "commerce among the States."

The author of course recognizes that a federal power to incorporate may be deduced from express powers other than that to regulate interstate and foreign commerce, and a short chapter is devoted to this phase of the general subject. But except for these half a dozen pages, the work is concerned with the commercial powers of congress.

The author shows that he had made a careful and intelligent study of the cases, and in them finds support for the following doctrines: That, subject to the limitations imposed by other provisions of the Constitution, and especially that of the fifth amendment with reference to due process of law, congress has a plenary power to exclude the products of state corporations from interstate commerce; that state corporations may be excluded from interstate commerce; and that the Federal Government may lay a tax upon the occupation of carrying on interstate commerce, whether by state or federal corporations. By an exercise of these powers compulsory federal incorporation may be obtained. Space will not permit a résumé of the argument in support of these conclusions. It may be said, however, that the reviewer holds

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opinions regarding the extent of the federal commercial power which are very similar to those of Mr. Heisler, but that he has arrived at them by a slightly different route. Mr. Heisler is unwilling to grant that congress has the power arbitrarily to exclude corporations or their products from interstate commerce, because an arbitrary exclusion would be in violation of the requirement of due process of law. The reviewer is inclined to believe that, in case an arbitrary exclusion were authorized, the Supreme Court would refuse its sanction because it would hold the exclusion not to be, properly speaking, a "regulation" of commerce. The reviewer does not find convincing the argument that state corporations, as distinguished from natural persons, have no right to engage in interstate commerce which congress is bound to respect. Mr. Heisler takes the position, which is certainly sound, that congress may not give to federally incorporated carrier or trading companies the incidental authority to manufacture, within the States, the commodities with which they deal, but the position requires a fuller argument than he has given it.

The Law of Public Utilities Operating in Cities and Towns. By OSCAR L. POND. (Indianapolis: The Bobbs-Merrell Company, 1913. Pp. liv, 954.)

The importance of the law regulating public service corporations is testified to by the number of bulky treatises dealing with the subject which has appeared during recent years. One of the latest of these, as well as the most satisfactory from the point of view of constitutional and administrative law is that of Mr. Pond. The work is dedicated to Professor F. J. Goodnow, under whose direction the original monograph, which has now developed into this comprehensive treatise, was prepared. The opening chapters deal with the governmental and proprietary powers of municipal corporations; with the construction of their charters; their implied powers; and the force of constitutional limitations upon their borrowing powers. Special chapters are then devoted to a discussion of the value of the franchise enjoyed by public utility corporations, and to an elaboration of the doctrines that municipalities have no implied power to grant exclusive franchises, and that exclusive franchise rights may not be claimed by implication, but only by express grant. The difficult subjects of the contracts of municipal corporations for public utility service, and the duration of franchise rights are discussed with especial care. Other topics dealt with include

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the requirement of uniform service, reasonable rates, the valuation of investments, and the regulation and ownership by municipalities of public utility plants. There are, of course, other treatises which deal more exhaustively with special topics relating to the law governing public utilities, as for example, the criteria determining the reasonableness of rates, but as a general treatise the work is eminently satisfactory. Especially welcome are the concluding chapters dealing with municipal bureaus or commissions and state public utility commissions. The texts of the public service commissions law of New York, and of the public utilities laws of Wisconsin and Indiana are given as appendices. A satisfactory index is provided. Space will not permit a critical examination of the doctrines of the volume, but the reviewer would say that he has found little opportunity for a difference of opinion.

The Civil War and Reconstruction in Florida. By WILLIAM WATSON DAVIS. (New York: Columbia University Press, 1913. Pp. 769.)

This study finds its proper place in that steadily growing body of monographic literature dealing with the Civil War and Reconstruction. Dr. Davis has performed for Florida the task which was performed for Georgia as early as 1901 by E. C. Woolley in *The Reconstruction of Georgia*, for Virginia in 1904 by H. J. Eckenrode in *The History of Reconstruction in Virginia*, for South Carolina in 1905 by J. P. Hollis in *Reconstruction in South Carolina*, for Maryland in 1909 by W. S. Myers in *The Self-Reconstruction of Maryland, 1864-1867*, and for Louisana in 1910 by J. R. Ficklen in a *History of Reconstruction in Louisiana*. Besides the work on Reconstruction contained in parts III and IV of the volume the author has given us in parts I and II a treatment of Florida's relation to the Civil War.

Although this book presents a number of obvious defects it is not without merit as a work of historical research. The sources, which the author declares were "in reality scattered and scant," have apparently been thoroughly examined. The evidence adduced in support of his positions is generally first hand information, the product of patient research.

Not a few questions of more than local interest are treated in this volume. From the chapter on secession the Civil War appears not to have been the unpopular uprising, pressed forward solely by a slavocracy, that it is sometimes represented to have been. The contention that the war was a project of the debtor class to repudiate its debts is speedily dismissed as worthy of slight consideration.

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The chapter entitled "The Economic Adjustment to the War" treats in an interesting manner a phase of history too often neglected by historians. The futile efforts of the State to adjust values by legislation remind one of labor legislation in England in the fourteenth century. The chapter leaves no doubt that "the war entailed, in fact, a temporary industrial revolution," and that scarcity of food toward the end of the war worked wonders in diminishing the fighting strength of Florida.

The author's best work is without doubt to be found in that part of his book devoted to Reconstruction. Unlike many of the earlier chapters of the work, a few of the chapters in books III and IV command unflagging interest and represent some patient if not always discriminating research. The results of his work do not revolutionize but confirm accepted opinion concerning Reconstruction in general. He finds that for nine years the State was wracked by political wrangling, violence, and mutual suspicion. "The attempt to found a commonwealth government upon the votes of an ignorant negro electorate proved a failure . . . . It made the Solid South."

The book's greatest fault is its lack of proper abridgement by the elimination of irrelevant matter and of uninteresting, unnecessary detail. To a certain extent throughout the entire work and especially in books I and II are signs of "padding" and of efforts to impart interest to dry facts by a show of literary style. An example of what is referred to as "padding," are the seventeen pages devoted to a detailed account in diary form of skirmishes not worthy in the author's own estimation of the name of "organized campaign." At another point ten lines are quoted from the diary of a soldier with no other apparent purpose than to show that "the night came cloudless." Entire paragraphs are given up to such trivial matters as the conversation of soldiers on the march concerning the danger of snake-bites.

JOHN H. RUSSELL.

European Cities at Work. By F. C. HOWE. (New York: Charles Scribners' Sons, 1913. Pp. 361.)

In *European Cities at Work,* Dr. Howe has added to his previous contributions another highly interesting study in city government by giving a vivid account of the social activities of German and British municipalities. With the political functions of cities, the book has no concern; it deals chiefly with communistic undertakings, and with organization only so far as necessarily involved. It is a connected

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account of matters of which studies are generally to be found, in English, only in special articles.

In arrangement, the chapters are partly descriptions of some particular city notable for the development of its municipal activities, and partly descriptions of some particular activity in which various cities are engaged. There results a certain amount of repetition.

The enthusiasm of Dr. Howe for his subject renders the reading of his work enjoyable; and the results which he depicits considered in themselves are eminently desirable. By the student it might be wished that the book were a little less fervidly eulogistic and somewhat more critical. It could not be expected that the author should in such a work offer a theoretical justification of his endorsement of municipal communism; but he is asking our admiration of communistic activity by holding up before us the credit side of its balance sheet—and the debit side is now shown. There is much commendation of the results of official action but no statement of their cost; not yet is there such comparison that those results are measurable. It is true that the twenty-first and closing chapter is entitled "The American and European City—a Comparison;" but such comparison as is made here and elsewhere is after all only comparison of official activities. It shows that the municipality does more for the people in Germany and Great Britain than in America: but it entirely ignores the effect of private activities upon the sum total of beneficial results to the city and its people. There is no indication of the extent of the loss of private initiative in Germany and Great Britain.

It is possible that such a comparison would not always leave America in so unfavorable a light. It may well be questioned, for example, whether the sum of private and official efforts in America is poor when it is considered that the result in Germany of private effort joined to the admirable endeavors of officials to improve sanitation, to ensure air and light, to lend city money and otherwise encourage proper building, to distribute population by city and state owned transit facilities and to acquire and develop suburban areas to prevent inflation of prices—when the result of these efforts is a condition in Germany in which the author admits "that something like 80 per cent of the population of the larger towns is living in cellars, garrets or under unsanitary surroundings." (p. 5).

To accept the ideas of municipal activity which the author endorses would imply a grave moral change in America. "The Germans think in terms of public service, we in terms of private right" (p. 347): would

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it or would it not be well for us to adopt the German view-point? The book does not show the disadvantages of the foreign systems, a knowledge of which is equally as essential to a decision as is a knowledge of their advantages.

The author shows clearly that the employment of experts in Germany and Great Britain results in much higher efficiency of municipal administration and in a capacity in the city successfully to expand the range of its activities; and he thinks it possible to transplant the expert from the oligarchical systems of which he is a part in Germany and Great Britain to a form of government in which he shall be subjected to at least some measure of popular control as required in America.

ROBERT T. CRANE.

The Federal Systems of the United States and the British Empire; their Origin, Nature, and Development. By ARTHUR P. POLEY. (Boston: Little, Brown and Company, 1913. Pp. 453.)

The purpose of the author of this book has been to give an account of the origins, nature, and development of the governmental systems of four great divisions if the world which are predominantly English in speech and institutional inheritance—the United States, the Dominion of Canada, Australia, and South Africa. These four countries have been selected because of the opportunity which they afford for a comparative study of the operation of the federal principle in modern times, under widely differing social and political conditions, and yet among peoples through whom runs "the crimson thread of kinship." The task is one which has not been attempted heretofore in the present manner. It is an attractive one, and one which, if rightly performed, should be made to yield results of interest alike to the historian, the student of politics, and the lay reader.

The plan followed in the book is that of describing the growth and present character of each of the four governmental systems independently, with the admixture of but a few brief chapters dealing with the subject in its general aspects. The body of specific fact necessary for the drawing of comparisons and contrasts is supplied, but these comparisons and contrasts must be worked out largely by the reader himself. There are ten chapters on the United States, eight on Canada, nine on Australia, and nine on South Africa; and the attempt is made in the case of each country to recount the history of the federal constitution, to describe the executive, legislative, and judicial organs of government, and to

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point out with some fullness the relations subsisting between the federal government and the governments of the individual states.

If in plan the volume leaves something to be desired, in execution it falls yet further short of the measure of excellence which might reasonably be expected of it. It does so for two reasons, namely, its inferior literary quality and its inaccuracy. It is doubtless too much to expect of a book on government that it shall be a work of conspicuous literary merit, although every student of the subject can call to mind a few treatises within the field which come very close that distinction. But it is not too much to ask that such a book shall be orderly in method of treatment, clear in expression, grammatical, and properly punctuated. Mr. Poley's volume meets no one of these elementary requirements. Altogether inexcusable is, for example, such a crudity as this: "At the head of each colony was the governor at this period mostly appointed by the king, some colonies, however, still possessed the right to choose their own governor" (p. 9).

More serious is the book's inaccuracy. Some of the errors in which its pages abound are to be attributed to indifferent proof-reading, but most of them, it is to be feared, rather to the author's loose manner of writing and to his incomplete mastery of his facts. Especially at fault is the portion of the volume which treats of the United States. Here we read of the grant of lands "now called Louisiana" to Sir Robert Heath in 1630. The first continental Congress is placed in 1773. We are told where the President sits when he meets the senate in the senate chamber for the consideration of executive business. We are assured that out of fear of a reduction of representation under the terms of the fourteenth amendment the States are not at all inclined to limit their franchise, and are left to infer that there are virtually no such limitations. The President's power of appointment is discussed with not the slightest mention of the restrictions imposed by existing civil service regulations. The government given the District of Columbia by the act of 1871 is described, with no indication that the system thus instituted was within three years superseded. States are referred to as "slave-owning," California is said to be situated south of the Missouri compromise line; the Compromise of 1850 is represented as introducing slavery in the District of Columbia; and the astonishing information is conveyed that many of the states adopted ordinances of secession prior to May, 1860.

Obviously, a book marred by errors so easily avoidable is not to be trusted very far in fundamentals. Several of the chapters on Canada,

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Australia, and South Africa are likely to be of some service to American students. They are, on the whole, less open to criticism than are those relating to the United States. But the conviction must be expressed that the task which Mr. Poley has undertaken remains to be performed by an abler hand.

FREDERIC A. OGG.

Colbert's West India Policy. By STEWART L. MIMS, Assistant Professor of History in Yale College. (New Haven: The Yale University Press, 1912. Pp. xiv 385.)

Colbert was an eminently patriotic minister with a purpose of building up a prosperous empire; and as Professor Mims clearly shows, his West India policy was a cardinal feature of his programme. The following is a summary of the main theme of the book: At Colbert's accession to power the French at home were listless in industry and commerce, and on the sea their flag was rarely seen, for the Dutch had the carrying trade of the world. In America the French possessions comprised on the one hand the straggling and squalid Canadian settlements, and on the other a group of small plantation colonies, from twenty to thirty years old, in the tropical islands of St. Christopher, Guadeloupe, Martinique and Tortuga, which owed to the Dutch traders what prosperity they enjoyed. The government of the islands had long been mismanaged; and discontent was rife. Colbert set himself to transform the situation. In May, 1664, he launched the West India Company, granting to it all the French possessions and claims in the American hemisphere and on the west coast of Africa. Along with full proprietorship and jurisdiction, the company was given the monopoly of trade for forty years. On paper it was a magnificent enterprise. But in the dearth of private subscriptions, the crown itself contributed the bulk of the capital, and the company was virtually a government bureau. The directors were politicians, not merchants; and some of the officials in the colonies were inefficient and thievish. From the outset the company's trade was wretchedly managed; and the war between France and England which began in 1666 frustrated the plans for improvement. The crown soon cancelled the company's commercial monopoly and admitted private French traders to the island markets, though of course not the Dutch. The West India Company was always on the verge of bankruptcy. It was dissolved in 1674, and the king paid its debts.

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Nevertheless, though nominally a failure the company was in considerable degree a success as regards Colbert's purposes; for by its means the French islands were rehabitated, and the Dutch were replaced by private French traders in the markets, greatly to the prosperity of Bordeaux, Nantes and La Rochelle.

The first half of the book is in chronological form; the second is devoted to the topical treatment of the exclusion of the foreign traders, the rise of the private traders, the islands exports of tobacco and sugar, and the imports of servants, slaves, foodstuffs and other supplies. The book is the fruit of elaborate research in the French archives. It is admirably written and heavily documented. It is to be followed by other books by the same author continuing the history of the French West Indies to the time of the American Revolution.

U. B. P.

The Agrarian Problem in the Sixteenth Century. By R. H. TAWNEY. (Longmans, Green and Company, London and New York, 1912. Pp. xii, 464.)

Mr. Tawney has given us a work which combines, in a rare degree, painstaking investigation and literary grace. With minute detail, accompanied, however, by luminous discussion, he traces a course of development which is significant from no less than theree standpoints —the economic, the legal, and the political. As regards the first, much light is thrown upon the "reaction of growing markets on methods of subsistence farming, the development of competitive rents, the building up of the great estates, and the appearance, or, at any rate, the extension of the tripartite division into landlord, capitalist farmer, and landless aricultural laborer." Concerning the second, the peculiar interest lies in "the struggle between copyhold and leasehold and the ground gained by the latter." Finally, the important political feature of the problem lies in the issue of the conflicting views as to the relative value of estate containing large numbers of tenants "able to do service," and those yielding great pecuniary returns, irrespective of the size of the tenantry. In successive chapters the author described the various classes of landholders, and copyholders; traces the transition to capitalist agriculture, and discusses the outcome of the agrarian revolution. Six maps in color add much to the value of the work. By copious citations from contemporaneous authors and from original records, Mr.

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Tawney enables us to test his results, and shows us what the lesser folk lost in the transformation of England from a land of small cultivators into a country of capitalists.

A. L. C.

Notes on the Science of Government and the Relations of the States to the United States. By RALEIGH C. MINOR. (University of Virginia: Anderson Brothers, 1913. Pp. 192.)

The above work falls into two parts, in the first of which are considered "(1) the origin and nature of government; (2) the limitations upon the powers of government; (3) the several forms of government." In the second part the states' rights theory of the Union is stated in its various forms, in juxtaposition to the nationalist theory. The writer's bias is decidedly on the side of the former theory, which he rests upon the following propositions: sec. 162, "(1) that sovereignty rested with the States alone prior to the adoption of the Constitution; (2) that this sovereignty was vested, not in the state governments, nor yet in the people of each State in their sovereign capacity, as directly expressing the *supreme will* of the State; (3) that when the popular conventions in the several States ratified the Constitution of the United States the people were then acting in their highest sovereign capacity; . . . . (5) that in ratifying the Constitution the States did not delegate their ultimate sovereignty to the United States, but only certain powers," etc. The reviewer believes that in 1787 the terms "people of the States" and "people of the United States" were of indifferent significance, legally and politically, and that the antithesis between them was of later date. (See debates in the 1st Congress, on Amendments.) He also believes that the great bulk of evidence goes to show that when the term "sovereign" was applied to the States in 1787, it was the state governments that were referred to. It is true that Madison in *Federalist 39* characterizes the people of the State as sovereign, but he also says in the same place that the Constitution is to rest "on the ratification of the *people of America* given . . . . not as *individuals* composing one entire nation *but as composing* the distinct and independent States," etc. In other words, the national government was the result from the creative act of individuals, exercising their primitive right of consent, just as the state governments had already arisen from a previous similar act. (See Madison to Webster, March 15, 1833.) Furthermore in *Federalist 39*, one reads the following: "In controversies relating to the boundary be-

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tween the two jurisdictions, the tribunal which is *ultimately* to decide, is to be established under the general government. . . . . *Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact.*" No doubt "the people" retained the right of revolution, but it is not clear how State lines could enhance that right; and as Professor Minor himself apparently admits, it is not a peaceable right.

E. S. CORWIN.

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RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

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Address of the President of the United States delivered at a joint session of the two Houses of Congress, Dec. 2, 1913. 11 p. 8°. *Congress. House.* (H. doc. 339.)

Agricultural Coöperation and Rural Credits in Europe. Information and evidence secured by the American and United States Commissions. 1913. 915 p. 4°. *Congress. Senate.* (S. doc. 214.)

Banking and Currency. Hearings before the Committee on Banking and Currency, U. S. Senate, 63d Congress, 1st session, 1913. 3 v. 8°. *Senate. Committee on Banking and Currency.* (S. doc. 232.)

Banking and Currency. Report from Senate Committee on Banking and Currency. 1913. 132 p. 8°. *Senate. Committee on Banking and Currency.* (S. rept. 133.)

Bills of Exchange. Message from the President transmitting . . . . report from the American delegation to the International Congress on bills of exchange held at The Hague, 1912. 465 p. 8°. *Dept. of State.* (S. doc. 162.)

Appendices contain documents and proceedings of the conference, documents of the conference of 1910, papers of the American and British delegations, other documents relating to bills and checks.

Charges against Members of the House and Lobby Activities. 1913. 76 p. 8°. Report from Select Committee of the House. (H. rept. 113.)

Currency System. Explanation of the fundamental difference between the House bill and the European. By Geo. H. Shibley. 1913. 15 p. 8°. *Senate. Committee on Banking and Currency.*

Democracy and Efficiency. An address, by Hon. William Kent. 1913. 13 p. 8°. *Congress. Senate.* (S. doc. 202.)

Higher Nationality. An address . . . . by Rt. Hon. Richard Burdon Haldane. 1913. 18 p. 8°. *Congress. Senate.* (S. doc. 233.)

Income-tax law, Regulations and decisions. 1913. 72 p. 8°. *Commissioner of Internal Revenue.* (H. doc. 270.)

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[1] All numbered documents and reports refer to the 63d Congress unless otherwise specified.

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Rural Credits. Articles by Frederic J. Haskin. 1913. 34 p. 8°. *Congress. Senate.* (S. doc. 260.)

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[1] British parliamentary papers may be purchased from Wyman & Sons, Ltd., Fetter Lane, E. C., London. Cd. refers to papers presented to Parliament by command.

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